

PLANNING COMMITTEE

Monday 20 January 2014

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Choules, Denham, Mrs Henson, Mitchell, Newby, Owen, Prowse,
Sutton, Tippins and Winterbottom

Apologies:

Councillor Edwards

Also Present:

Chief Executive & Growth Director, Assistant Director City Development, Planning Solicitor,
Area Planner (MH), Forward Planning Officer (FP), Highway Development Management
Officer and Democratic Services Officer (Committees) (HB)

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COUNCILLOR EDWARDS

The Chair reported that Councillor Edwards was recovering. The Committee passed on their best wishes for a speedy recovery.

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DECLARATIONS OF INTEREST

The following Member declared a disclosable pecuniary interest:-

COUNCILLOR	MINUTE
Councillor Choules	21 (wife employed by Morrisons)

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PLANNING APPLICATION NO. 13/4525/01 - LAND SOUTH OF A379 AND EAST OF NEWCOURT WAY, NEWCOURT WAY, EXETER

The Assistant Director City Development presented the application for outline planning permission (with all matters reserved except access) for erection of a non-food retail store (Class A1) and ancillary facilities together with associated access, car parking and landscaping.

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

The Assistant Director City Development advised that a late representation had been received from John Lewis requesting that condition 12 should be more specific regarding the type of goods to be sold, which was acceptable. He detailed the application with reference to the principle of development, retail policies including the sequential and impact tests, highways and sustainable transport, visual impacts and residential amenity.

He reported that the Highways Agency and Highway Authority had accepted the residential development and IKEA proposals on the land off the A379 at Newcourt and had stated that the impact on Junction 30 was realistic and acceptable.

Councillor Leadbetter, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- representing St. Loyes as a City Councillor and St Loyes and Topsham as a County Councillor;

- do not object to the scheme as, although some have mentioned that the site is not the correct location for a large store, IKEA has many benefits especially job creation and will be a significant boost for the City's economy;
- many residents have concerns regarding the store and it is requested that all matters be dealt with responsibly;
- there are significant concerns regarding the exit of traffic from the store and there is a belief that the dangers at the Russell Way/Lewis Crescent junction will be amplified; steps need to be taken to eliminate the opportunities for motorists to undertake U turns;
- the provision of comprehensive screening is essential and mature tree should be used to hide the IKEA store from neighbouring residential sites; and
- need to ensure that the impact of cooking smells from the ancillary restaurant on nearby dwellings is minimal.

Members welcomed the proposal which was an exciting opportunity for the City and an addition to the existing retail provision, but they expressed a wish to see mature plants used for the landscaping so as to provide a more immediate benefit. A 15 year period for the landscaping to reach maturity was too long.

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

RESOLVED that, subject to referral to the Secretary of State, the Assistant Director City Development, in consultation with the Chair of this Committee, be granted delegated authority to **APPROVE** outline planning permission (with all matters reserved except access) for erection of a non-food retail store (Class A1) and ancillary facilities together with associated access, car parking and landscaping, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, requiring the following:-

- implementation of Landscape Strategy;
- replacement highway signage;
- contribution towards match day permit parking traffic orders;
- pedestrian route providing a direct connection, at the north west boundary of the application site, to the existing pedestrian/cycle bridge;
- mitigation measures for Cirl buntings, if necessary;
- local employment/training opportunities; and
- pedestrian route providing a direct connection, at the north east of the application site, to the proposed housing site; and

subject also to the following conditions (which may be varied or supplemented as appropriate)

- 1) CO7 – Time Limit - Outline
- 2) C15 – Compliance with Drawings
- 3) The height of the proposed development should not exceed 43 metres above Ordnance Datum Newlyn and should be no higher than 0.5 metres below the footway of the pedestrian and cycle bridge over the A379 to the north west of the development.
Reason: To avoid the potential for significant landscape and visual impacts
- 4) The results of a site investigation (Phase II intrusive ground investigation) shall be submitted to and approved by the Local Planning Authority before

development commences. If contamination posing unacceptable risks is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority before development commences. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.

If, during the course of development, contamination posing unacceptable risks is found, which has not been identified in the site investigation, additional measures for the remediation of this shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.

Reason: To prevent unacceptable risks to human health or the environment, in accordance with Exeter Local Plan Policy EN2.

- 5) C57 – Archaeological Recording
- 6) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 7) The development hereby approved should be constructed to incorporate a Sustainable Urban Drainage (SUDS) scheme that should be approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To reduce overall flood risk in accordance with Policy CP12 of the Exeter Core Strategy.
- 8) Prior to the commencement of development, a method statement for the use of vibro-compaction/displacement piling machinery should be submitted to the Local Planning Authority for approval.
Reason: to ensure the safe operation of the railway.
- 9) The development hereby approved should be constructed to incorporate a Sustainable Urban Drainage (SUDS) scheme that should be approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To reduce overall flood risk in accordance with Policy CP12 of the Exeter Core Strategy.
- 10) Prior to the occupation of the development, a noise management plan for the use of the service / delivery yard at the proposed retail store should be submitted to and approved by the Local Planning Authority. Noise levels from the service/ delivery yard shall not exceed World Health Organisation Guideline values for a reasonable noise climate at night. This equates to a limit value of 45 dB, LAeq, 8 hours and LAmax no greater than 60 dB between 2300 and 0700 hours. The value should be assessed as a façade value at any nearby noise sensitive façade, and the compliance point specified (e.g. outside bedroom window first floor level for standard property type or other noise sensitive room depending on proposed site layout).
Reason: In the interest of the amenity of neighbouring residents.

- 11) 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. This should include details of the phasing and timing of work to minimise noisy activities on Saturdays 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 investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during this phase of the development, in order to discuss forthcoming work and its environmental impact.
Reason: To control the environmental impact of the development during demolition and construction.
- 12) The use of the store shall be limited to the sale of DIY products, furniture and homewares comprising:
- Living Room (Sofas, bookcases, tables etc);
 - Dining Room and Work Room;
 - Bed, Children, Hall;
 - Kitchens and Bathrooms;
 - Workshop (flooring, wall coverings);
 - Lighting (domestic, technical, lamps);
 - Rugs and mats;
 - Textile Interiors (bed textiles, fabrics and curtains);
 - Kitchenware (kitchen boutique, tableware);
 - Home Accessories (for example pictures, frames, basketware, play);
 - Contract (office, conference work);
 - Garden Furniture (plants and accessories);
 - Renewable Technologies (for example solar panels)
- Also, for any ancillary uses including restaurant, crèche, children's play area, fast food kiosks, and Sweden Shop which are offered in support of the main retail function.
- Reason:** In the interests of town centre vitality and vibrancy
- 13) The use of the store shall be limited to the sale of DIY products, furniture and homewares and those goods referred to in the Planning And Retail Statement and for any ancillary uses including restaurant, crèche, fast food kiosks, and Sweden Shop which are offered in support of the main retail function.
Reason: In the interests of town centre vitality and vibrancy.
- 14) The retail store hereby approved shall not be divided into more than one unit and shall be used for the purposes of a single retail operator.
Reason: In the interests of town centre vitality and viability.
- 15) The development hereby approved shall include at least 1,004 car parking spaces unless otherwise agreed with the Local Planning Authority. The development shall not be occupied until the car parking spaces have been provided.
Reason: In the interests of highway safety.
- 16) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and

approved in writing by, the Local Planning Authority and retained for that purpose at all times.

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

- 17) Any individual building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1 January 2019. Prior to commencement the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of the development hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

Reason: In accordance with Policy CP15 of the Exeter Core Strategy.

- 18) A comprehensive Store Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and Local Highway Authority prior to occupation of the development. The approved Travel Plan measures, to include in store real time public transport information displays, will be implemented to the satisfaction of the Local Planning Authority and Local Highway Authority. A review of travel patterns for the site shall be undertaken and submitted to the local planning authority within 3 months of occupation of the development and the travel plan shall be updated on an agreed basis thereafter, as confirmed in writing by the Local Planning Authority.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

- 19) No part of the development hereby approved shall be brought into its intended use until the site access, visibility splays, on site car parking facilities, turning areas, estate road layout, bus facilities including provision of real time passenger information and site highway drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

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

- 20) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles.

Reason: In the interests of highway safety and public amenity.

- 21) The total gross floor area of the retail store hereby permitted shall not exceed 28,000 square metres.

Reason: In the interests of town centre vitality and viability.

- 22) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established

and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

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

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

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PLANNING APPLICATION NO. 13/4524/01 - HOUSING SITE SOUTH OF A379 AND WEST OF EXMOUTH BRANCH LINE, NEWCOURT WAY, EXETER

The Assistant Director City Development presented the application for outline planning permission (with all matters reserved except access) for erection of between 180-220 residential units together with associated access, car parking, landscaping and associated works.

He reported that the Highways Agency and Highway Authority had accepted the residential development and IKEA proposals on the land off the A379 at Newcourt and had stated that the impact on Junction 30 was realistic.

With reference to the provision of a Multi Use Games Area, a Member was concerned that it would not amply cater for all ages especially as the final number of houses for the site were not known at this outline stage. The Assistant Director, stating that the application was at the indicative stage and referring to open space areas provided in adjoining developments, advised that the provision on this site would be examined with regard to the comprehensive play provision in the area.

The Chair requested that a briefing for all Members be organised on open space provision in new developments. He also requested that the Committee and Ward Members be advised in advance of the outcome of the above examination of open space provision on this site and in the area.

Councillor Leadbetter, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- the application does not contain a proposal to provide a school - have sufficient steps been taken to ensure that educational provision in the area is sufficient; and
- regard to be given to the provision of community facilities such as a doctors surgery and broadband.

The Assistant Director City Development outlined that the Newcourt Master Plan set out one way of delivering the development allocated in the area, including school facilities. Proposals for a two form entry primary school at the Darts Farm land and a further school on the Upper RNSD site were now coming forward.

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

RESOLVED that the Assistant Director City Development, in consultation with the Chair of this Committee, be granted delegated authority to **APPROVE** outline planning permission (with all matters reserved except access) for the erection of between 180-220 residential units together with associated access, car parking and

landscaping, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 requiring the following:-

- affordable housing;
- implementation of Landscape Strategy;
- mitigation measures for Cirl buntings, if necessary;
- local employment/training opportunities;
- provision and future management of on-site open space and children's play areas;
- Travel Plan implementation contribution;
- contribution towards match day permit parking traffic orders;
- provision of two-way signalised bus priority measures at overbridge to Russell Way and associated works;
- pedestrian route providing a direct connection, at the north west of the application site, to the proposed retail store; and
- land transfer and construction access to MUGA site; and

subject also to the following conditions, with the Assistant Director City Development authorised to vary or supplement the Section 106 Agreement or planning conditions in respect of details of open space provision.

- 1) C07 - Time Limit - Outline
- 2) C12 - Drainage Details
- 3) C57 - Archaeological Recording
- 4) C37 - Replacement Planting
- 5) C38 - Trees - Temporary Fencing
- 6) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter said cycle parking facilities shall be retained for that purpose at all times.
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 7) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 8) The results of a site investigation (Phase II intrusive ground investigation) shall be submitted to and approved by the Local Planning Authority before development commences. If contamination posing unacceptable risks is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority before development commences. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.
If, during the course of development, contamination posing unacceptable risks is found, which has not been identified in the site investigation,

additional measures for the remediation of this shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.

Reason: To prevent unacceptable risks to human health or the environment, in accordance with Exeter Local Plan Policy EN2

- 9) The dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 10) The development hereby approved should be constructed to incorporate a Sustainable Urban Drainage (SUDS) scheme that should be approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To reduce overall flood risk in accordance with Policy CP12 of the Exeter Core Strategy
- 11) Prior to occupation of the first dwelling details of a fence spanning the boundary to the east of the site and bounding the railway line should be submitted to the Council for approval in consultation with Network Rail and constructed in accordance with the approved scheme.
Reason: For reasons of public safety.
- 12) 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 1 October 2013 (*dwg. no. 120633/A/07/A*) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 13) 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, bus passenger waiting facilities (including shelters and real time passenger information), 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.
- 14) No part of the development shall be occupied until the access arrangements across the Russell Way overbridge have been designed and constructed fully in accordance with details previously submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority.
Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates.
- 15) No part of the development hereby approved shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles.

Reason: In the interests of highway safety and public amenity.

- 16) No part of the development hereby approved shall be brought into its intended use until a comprehensive travel plan has been submitted to, and approved in writing by, the local planning authority.
Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.
- 17) 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.
Reason: To control the environmental impact of the development during demolition and construction.
- 18) An additional noise impact assessment is required which should be of sufficient duration and detail to establish a representative background noise level and enable the noise impact of railway, road traffic noise, and the impact of external store plant equipment on the proposed development. The report CRN/ CRTN calculation should include consideration of the predicted increase in road traffic usage over the next 15 years as well as the effect of use of the retail store extraction/ air handling units, and use of the retail store service/ delivery yard. The report's assessment of the impact of the retail stores extraction/ air handling units and use of the stores service/ delivery yard should fully comply with the reporting requirements of Section 10 of BS4142 and include details of measurement locations for compliance; plant noise should be at a rating level of 5dB below background. Details of the source of input data e.g. levels from car parks, loading bays etc should be referenced in the report. The proposed assessment methodology, as well as the noise impact assessment report shall be submitted to the Local Planning Authority for approval at the same time as any reserved matters planning application submitted pursuant to this planning permission.
If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall also submit a scheme for protecting the proposed residential development from noise from road/ rail noise, noise from the air handling units, and noise from use of the service/ delivery yard at the proposed retail store development. This shall be based on the results of the aforementioned assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.
Reason: In the interests of the residential amenity of the future occupants of the dwellings.

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**PLANNING APPLICATION NO. 13/4073/03 - DEVON AND CORNWALL
CONSTABULARY, POLICE HEADQUARTERS, MIDDLEMOOR, EXETER, EX2
7HQ**

Councillor Choules declared a disclosable pecuniary interest as his wife was employed by Morrisons and left the meeting during consideration of this item.

The Area Planner presented the application for planning permission for a Criminal Justice Centre and Police Hub in the south of the site and a Class A1 Supermarket (extending to 6,789 sqm with associated petrol filling station and customer car parking for 418 cars) in the north-east of the site.

He reported that the County Council had provided a revised consultation response indicating satisfaction with the submitted information relating to the transportation impact of the proposal and the design/layout of the various access points in principle. Consequently, subject to appropriate conditions and a Section 106 Agreement under the Town and Country Planning Act 1990 the Highway Authority raised no objections.

It was reported that the Highways Agency had replaced the holding direction of non-approval with one directing a condition relating to Moor Lane roundabout improvements and that an additional objection had been received as set out in the update sheet.

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

Councillor DJ Henson, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- 35 representations have been received from local residents with the predominant concern being the extra traffic that will be generated as a result of this development which will be exacerbated as a result of the previously approved developments for IKEA and the housing site south of the A379;
- the applicant has failed to provide a detailed Highway Traffic Management Plan despite having sufficient time to do so;
- all aspects of the application should be determined by the Planning Committee and no elements should be delegated to the officers;
- these developments will increase the pressure on the City's transport network. The four main arterial routes of Heavitree Road, Prince Charles Road, Tosham Road and Polsloe Road are of particular concern. Traffic is diverted from Topsham Road through the Rydons development into Heavitree, traffic from Heavitree Road diverts onto Polsloe Road and increasing flow along Prince Charles Road increases the pressure on the Old Tiverton Road. Ultimately, the City's transport network is facing gridlock; and
- request deferral of the application for the applicant to provide additional information on highway matters.

Councillor Leadbetter, having given notice under Standing Order No.44, spoke on the item. He raised the following points:-

- local residents, especially Bathurst Close, are concerned that the location of the Custody Centre is a potential security threat to their properties given the nature of the individuals being dealt with. Unlike Heavitree Road, which is close to the City Centre and with quick access to public transport, residents fear that, on release from the Custody Centre, some individuals may remain in the area which could lead to criminal activity. Because of the lack of transport links in the immediate area they feel that some may not leave quickly. It has a capacity for 40 and this could mean some 10,000 individuals being handled in a single year; and
- request that the access to the Custody Centre is moved so that it is not as close to the access to Bathhurst Close, that a Management Plan be prepared by the Devon and Cornwall Constabulary to include reference to how individuals will leave the area and that CCTV cameras be installed in appropriate locations.

Mr Skelly, the Deputy Chief Constable, spoke in support of the application. He raised the following points:-

- the site has been occupied since 1930 reflecting the longevity of the Police role as a civic partner;

- the development of the site is a central element of the long term strategic plans for the Force and its role in Exeter, East Devon and the wider community;
- a custody facility has been based at the Heavitree Road Police Station since 1959 on two floors but is now outdated and a transfer to a modern up to date facility is essential; and
- the development of the northern part of the site for the store is a co-dependent element necessary to release capital for re-investment in new policing facilities. No additional funding is available so the funds must be derived from the sale of part of the Middlemoor site.

He responded to Members' queries:-

- recognise the concerns of local residents regarding the security of their homes and, although those released from custody do not receive bus or train passes or any specific assistance with returning home, the majority make their own arrangements and are usually met on release. They are unlikely to wish to remain in the area close to the Police hub in any event. A risk assessment of each individual is incorporated into the custody process. The concerns are understood and the Police will do their best to minimise risks;
- normal helplines are available should the residents feel concerned - the 999 emergency number or the 101 number for non emergencies;
- the emerging strategy for the Hub has regard to the Police role in relation to other Crime and Justice issues and facilities and those in custody will still need to be transferred to the Magistrates Courts in Heavitree Road;
- long term, all policing facilities will be transferred from Heavitree Road to the new Hub, but there will remain a contact centre and police presence in the City Centre for public to meet the Police; and
- as the new Custody Centre will have additional capacity this will reduce the likelihood of those arrested being transferred out of the City to an alternative custodial centre because of lack of space as currently occurs occasionally with Heavitree Road. This will free up personnel for other policing activities.

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

RESOLVED that, subject to consultation with the Secretary of State regarding potential call in, the Assistant Director City Development, in consultation with the Chair of this Committee, be granted delegated authority to **APPROVE** planning permission for a Criminal Justice Centre and Police Hub in the south of the site and a Class A1 Supermarket (extending to 6,789 sqm. with associated petrol filling station and customer car parking for 418 cars) in the north-east of the site, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 addressing the matters referred to in the report, subject also to the following conditions which comprised those as set out in the original report and as amended on the update sheet, together with the additional conditions as requested by Devon County Council and directed by the Highways Agency as also set out in the update sheet, with the Assistant Director City Development authorised to vary or supplement as appropriate:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) The development of the retail store or the additional Police Authority accommodation shall not begin until full details of drainage works to serve

that element of the scheme have been submitted to and approved by the Local Planning Authority in writing. The drainage details submitted pursuant to this condition shall accord with the submitted Flood Risk Assessment & Drainage Statement dated July 2013 (as modified by the FRA & DS Addendum dated December 2013). Thereafter each element of the development shall be implemented in accordance with the approved details.
Reason - To ensure the satisfactory drainage of the development.

- 4) C17 - Submission of Materials
- 5) Prior to the commencement of development of either the retail store or the additional Police Authority accommodation a detailed scheme for landscaping for the respective part of the site, 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 for approval; 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. The submitted landscaping scheme will be expected to accord with Landscape concept drawing nos 02 Rev E and 03 Rev B that accompanied the submitted Soft Landscape Works Maintenance and Management Proposals document dated 16th April 2013.
Reason - To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) C38 - Trees - Temporary Fencing
- 7) C37 - Replacement Planting
- 8) No development related works shall take place within the site of either the retail store or the additional Police Authority accommodation until a written scheme of archaeological work for the relevant part of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason -To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 9) No development shall take place on the site of either the retail store or the additional Police Authority accommodation until a full investigation of the relevant part of the application 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 - In the interests of the amenity of the occupants of the building(s) hereby approved.

- 10) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 11) The lighting to external areas (and any external facing internal lighting) of the supermarket development shall be turned off between the hours of 11pm and 6am daily unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent light pollution in the interests of the residential amenity of the occupants of surrounding properties.
- 12) Separate Construction Environmental Management Plans (CEMP) in respect of the supermarket development and the police accommodation shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on each respective element of the development hereby approved, and shall thereafter be adhered to during the construction period. These should include:
- (a) 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.
 - (b) details of the phasing and timing of work to minimise noisy activities on Saturdays and measures that will minimise the impact of construction traffic on the local road network, including parking.
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) details of wheel washing facilities and obligations
 - (j) the proposed route of all construction traffic exceeding 7.5 tonnes.
 - (k) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish an agreed approach for progressing implementation of the development.

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 this phase of the development, in order to discuss forthcoming work and its environmental impact.

Reason - To minimise impacts from construction related traffic on the environment, the amenity of local residents/businesses and safety on the public highway.

- 13) Details of all building services plant relating to the retail store and the additional Police Authority accommodation, including sound power levels

and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the LPA. The predicted noise levels relating to each element of the scheme shall be submitted prior to commencement of the relevant part of the development and shall be demonstrated by measurement or calculation prior to occupation of that part of the development, and shall be adhered to at all time thereafter.

Reason - In the interests of residential amenity.

- 14) Prior to the retail store hereby approved being brought into operation a Management Plan covering details of all delivery and servicing arrangements associated with the store shall be submitted to, and be agreed in writing by, the Local Planning Authority. The management plan should be based on the Wm Morrison Supermarkets Plc Quiet Delivery (Noise Management) System and include provision for appropriate noise trials in line with the 'Quiet Deliveries Demonstration Scheme 2011. Thereafter the store shall be operated in accordance with the agreed Management Plan at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of minimising the potential noise impact of the store upon residential amenities within the vicinity of the site.

- 15) Unless it is demonstrated in writing that it is not viable or feasible to do so 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 (district heating) network at Monkerton and Hill Barton. 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 at the application site boundary agreed in writing by the LPA.
Reason -To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy in the interests of delivering sustainable development.

- 16) Any individual building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1 January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.
Reason: In the interests of sustainable development.

- 17) Where construction of any building hereby permitted has not been commenced before 1 January 2019, the Local Planning Authority shall be notified in writing of the identity of all buildings for which construction has commenced before 1 January 2019, within 10 working days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.

- 18) No development shall take place until a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason : In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 19) The type and location of any recycling facilities to be provided on the site of the retail store forming part of this application shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation. Thereafter, any such facilities shall be provided strictly in accordance with the approved details.
Reason : In the interests of the visual amenity of the area, and the residential amenities of the occupants of surrounding residential areas
- 20) No more than 30% of the net retail floor space of the store hereby approved shall be devoted to the sale and display of comparison goods.
Reason - In the interests of protecting the vitality and viability of the existing city centre, district and local centres.
- 21) TO8 - Trees - Bat condition.
- 22) Any buildings to be demolished should be assessed in detail for possible bat interest prior to works being carried out in accordance with a methodology to be agreed by a bat consultant. This should involve inspection of the buildings to be demolished for potential roosting opportunities. If bats are found to be using the buildings, the advice of a bat consultant should be sought to prevent disturbance/injury to bats which would constitute an offence.
Reason : To comply with the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000.
- 23) The Class A1 supermarket hereby approved shall not be opened/brought into use until highway improvements to the signalised junction of Hill Barton Road and the A3015 including the addition of pedestrian crossing facilities for crossing Hill Barton Road have been completed in accordance with details (broadly in accordance with drawing no. VN50211-ECC-DG-0006) that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.
Reason – To prevent an adverse impact on the local highway network and provide a suitable access to the site for pedestrian and cyclists visiting the retail store, in accordance with paragraph 32 of the NPPF.
- 24) Neither the retail store nor the additional Police Authority accommodation hereby approved shall be brought into its intended use until the on-site cycle-parking and car-parking facilities to serve that element of the scheme have been provided, surfaced and marked out in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said facilities shall be permanently retained for the intended purpose at all times.
Reason – To ensure that adequate facilities are available for the traffic attracted to the site.

- 25) Neither the retail store nor the additional Police Authority accommodation hereby approved shall be brought into its intended use until the pedestrian and cycle connections within the respective parts of the site and to the surrounding highway network to serve that element of the scheme have been provided, surfaced and marked out in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter they shall be retained for the intended purpose at all times.
Reason – To ensure that adequate facilities are available for the traffic attracted to the site.
- 26) Unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Highway Authority, the vehicular access to the petrol filling station shall be provided in the location identified on drawing no. (PL) 04 Rev B.
Reason – To minimise the potential impact of any overspill queuing that could result in an unsafe access to the site.
- 27) No part of the additional Police Authority accommodation comprised in this application shall be brought into its intended use until the proposed accesses onto Sidmouth Road, including visibility splays, drainage and turning areas have been provided and maintained in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said accesses shall be retained for the intended purpose at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason – To ensure that a safe and suitable access is achieved in accordance with paragraph 32 of the NPPF.
- 28) The Framework Travel Plan shall be updated with specific details on the proposed measures to reduce single occupancy car driver trips to the site and shall be submitted to and agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development and a review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and on an annual basis thereafter, unless otherwise agreed with the Local Planning Authority. The Framework Travel Plan shall be implemented as updated and as subsequently revised in accordance with this condition.
Reason - To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.
- 29) Other than the Criminal Justice Centre, the occupation of any part of the development authorised by this permission shall not be allowed unless otherwise agreed by the Local Planning Authority (in consultation with the Secretary of State for Transport) until :-
1. Devon County Council (in consultation with the Secretary of State for Transport) has approved in writing a full scheme of works for improvements to Moor Lane Roundabout and
 2. The approved works at Moor Lane Roundabout have been completed in accordance with the Local Highway Authority's written approval (in consultation with the Secretary of State for Transport) and have been certified in writing as complete on behalf of the Local Planning Authority, in this case Exeter City Council.
- Reason** - To ensure that the capacity of Moor Lane Roundabout is enhanced to prevent the risk of queuing on the westbound A30 Honiton Road approach extending into and impacting upon the operation of M5

Junction 29. Congestion on this approach would be exacerbated and further affect the SRN if occupation of the development was to come forward before proposed Devon County Council improvements to Moor Lane Roundabout are in place, and full completion of the Phase 3 Link Road not complete.

- 30) The net retail floor space of the store hereby approved shall be limited to 3,886 m² in accordance with the submitted Retail Assessment.
Reason – In the interests of protecting the vitality and viability of the existing city centre, district and local centres.

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**PLANNING APPLICATION NO. 13/4067/01 - DEVON AND CORNWALL
CONSTABULARY, POLICE HEADQUARTERS, MIDDLEMOOR, EXETER, EX2
7HQ**

The Area Planner presented the application for outline planning permission (with all matters reserved except for access) for two residential areas (referred to as 'Area A' and 'Area B') to provide a combined provision for up to 83 residential units. Area A is located in the north-western part of the Middlemoor site, whereas Area B is located in the central part (to the south of the proposed supermarket).

He reported that the Highways Agency was now satisfied from the additional information and modelling that development traffic can be accommodated at M5 junction 30. However, development traffic would impact on the operation of Moor Lane Roundabout which would in turn affect the operation of Junction 29, primarily in the AM peak. In view of this, the improvement at Moor Lane roundabout would need to be in place before occupation/opening of the development occurs. The Agency had therefore replaced its holding direction of non approval and replaced it with one directing an appropriate condition.

A Member welcomed the proposed improvements to the Wilton Way roundabout but asked if a safe pedestrian crossing could be provided. The Highway Development Management Officer confirmed that a totally safe crossing would require traffic light controls, which was not possible at this location, but that there was a pedestrian refuge on each arm of the roundabout. As with the previous item, the issue of broadband internet access to serve the new dwellings was raised.

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

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

RESOLVED that the Assistant Director City Development, in consultation with the Chair of this Committee, be granted delegated authority to **APPROVE** outline planning permission, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, requiring the following:-

- affordable housing, including housing for disabled, housing mix and tenure;
- provision and future management of on-site open space, and children's play areas (or off site contribution if agreed as more appropriate), including maintenance where appropriate;
- travel plan implementation contribution (£500/dwelling);
- a requirement to utilise a district heating system unless it can be satisfactorily demonstrated that it is not feasible to do so (possibly replaced by condition if appropriate);
- rights to provide appropriate district heating pipe work for the development (possibly replaced by condition if appropriate); and
- local employment/training opportunities;

and subject also to the following conditions (which may be varied or supplemented as appropriate):-

- 1) Approval of the details of the layout, scale, appearance of the buildings, the means of access thereto (other than the points of access from Alderson Drive) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C07 - Time Limit – Outline
- 3) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing. The drainage details submitted pursuant to this condition shall accord with the submitted Flood Risk Assessment & Drainage Statement dated July 2013 (as modified by the FRA & DS Addendum dated December 2013). Thereafter the development shall be implemented in accordance with the approved details.
Reason - To ensure the satisfactory drainage of the development.
- 4) Any reserved matters application submitted pursuant to this consent shall incorporate open space that meets the criteria set out in policy DG5, and the accompanying text to that policy, of the Exeter Local Plan First Review 1995-2011. This will require provision equivalent to at least 10% of the gross development area of the application site as open space.
Reason: To ensure that adequate open space is provided to meet the needs of the future occupants of the housing hereby approved.
- 5) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all 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. Thereafter the development shall be implemented in accordance with the approved details.
Reason - In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 6) C17 - Submission of Materials
- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, and any earth works required, together with a programme of planting and the timing of implementation of the scheme. The submitted landscaping scheme will be expected to accord with Landscape concept drawing nos 02 Rev E and 03 Rev B that accompanied the submitted Soft Landscape Works Maintenance and Management Proposals document dated 16th April 2013. Thereafter the development shall be implemented 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.
- 8) C36 - No Trees to be Felled
- 9) C38 - Trees - Temporary Fencing

- 10) C37 - Replacement Planting
- 11) C57 - Archaeological Recording
- 12) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 13) 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 shall thereafter be adhered to during the construction period. This should include:
 - (a) 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.
 - (b) details of the phasing and timing of work to minimise noisy activities on Saturdays and measures that will minimise the impact of construction traffic on the local road network, including parking.
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) details of wheel washing facilities and obligations
 - (j) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (k) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish an agreed approach for progressing implementation of the development.

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 this phase of the development, in order to discuss forthcoming work and its environmental impact.

Reason - To minimise impacts from construction related traffic on the environment, the amenity of local residents/businesses and safety on the public highway.

- 14) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
- 15) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 16) An additional noise impact assessment is required which should be of sufficient duration (& encompassing various wind directions), to enable the noise impact of railway and road traffic noise on the proposed development to be calculated (CRN/ CRTN calculation), as well as the effect of use of the Police firing range, the new concrete batch plant (Sowton Industrial Estate), and noise from the proposed supermarket extraction/ air conditioning units. The proposed assessment methodology, as well as the noise impact assessment report shall be submitted to the Local Planning Authority for approval at the same time as any reserved matters application.

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme for protecting the proposed residential development from noise from road/ rail noise, noise from the Police firing range, noise from the Sowton Industrial Estate, and noise from the extraction/ air conditioning units at the proposed supermarket development. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied. The applicant should aim to achieve at least the 'Reasonable' standards for internal noise level specified in BS8233:1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice.
Reason - In the interests of the residential amenity of the future occupants of the dwellings, and given that the detailed design of the development has not yet been fixed.
- 17) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 18) Unless it is demonstrated in writing that it is not viable or feasible to do so 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 (district heating) network at Monkerton and Hill Barton. 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 at the application site boundary agreed in writing by the LPA.

Reason - To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy in the interests of delivering sustainable development.

- 19) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a CSH Level 5 (Zero Carbon) if commenced on or after 1 January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

Reason: In the interests of sustainable development.

- 20) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (CSH) assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development

- 21) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 working days following that date.

Reason: In the interests of monitoring compliance with sustainable development requirements.

- 22) Prior to the first occupation of any dwelling constructed within Area A forming part of this planning application a shared pedestrian/cycle path link shall be created and made available for use from the site linking to the existing footpath on Hill Barton Road in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of permeability and the encouragement of the use of sustainable modes of transport

- 23) No development shall take place until a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason - In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 24) The occupation of any part of the development authorised by this permission shall not be allowed unless otherwise agreed by the Local Planning Authority (in consultation with the Secretary of State for Transport) until :-

1. Devon County Council (in consultation with the Secretary of State for Transport) has approved in writing a full scheme of works for improvements to Moor Lane Roundabout and
2. The approved works at Moor Lane Roundabout have been completed in accordance with the Local Highway Authority's written approval (in consultation with the Secretary of State for Transport) and have been certified in writing as complete on behalf of the Local Planning Authority, in this case Exeter City Council.

Reason - To ensure that the capacity of Moor Lane Roundabout is enhanced to prevent the risk of queuing on the westbound A30 Honiton Road approach extending into and impacting upon the operation of M5 Junction 29. Congestion on this approach would be exacerbated and further affect the SRN if occupation of the development was to come forward before proposed Devon County Council improvements to Moor Lane Roundabout are in place, and full completion of the Phase 3 Link Road not complete.

- 25) The provision of infrastructure relating to broadband access.

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair