

## **PLANNING COMMITTEE**

Monday 2 March 2015

### **Present:**

Councillor Bialyk (Chair)  
Councillors Spackman, Denham, Edwards, Lyons, Mitchell, Sutton, Williams and Winterbottom

### **Apologies:**

Councillors Choules, Newby and Raybould

### **Also Present:**

Chief Executive & Growth Director, Assistant Director City Development, Principal Project Manager (Development) (MH), Highway Development Management Officer and Democratic Services Officer (Committees) (HB)

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### **MINUTES**

The minutes of the Special Meeting held on 8 December 2014 and the Ordinary Meetings held on 5 January and 2 February 2015 were taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO. 14/2155/01 - THE VINES, GIPSY LANE, EXETER**

The Assistant Director City Development presented the application for outline planning permission with all matters reserved except access for 17 houses including 10 age-restricted houses designed for older people.

The Monkerton/Hill Barton Masterplan identified the site as being within the picturesque ridge requiring a strong landscape structure to be retained. The Exeter Local Plan requirement was for 10% public open space and 10.6% would be provided within the illustrative layout. More public open space could be secured but this would be at the cost of the affordable housing proposed and, on balance, it was considered that the quantum of affordable housing, linked with the public open space offer, was an acceptable site-specific solution. There had been an original objection from the County Council to access via Gipsy Hill Lane. Permanent and construction access would now be from the north via a development by Linden homes which had already been approved. The Assistant Director City Development corrected the report as the affordable housing required should be a representative mix of that in the proposed development.

Mrs Carleton spoke against the application. A paper she had prepared earlier in the day was tabled and Members provided with additional time to absorb the detail after the presentation by Mr Yeo below who was in support of the application. She raised the following points:-

- the National Planning Policy Framework states that "Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise” and “proposed development that conflicts should be refused”  
There are many reasons why this application conflicts with the Development Plan in addition to those of the NPPF. The paper goes on to say that sustainable development should meet the needs of the present without compromising the ability of future generations to meet their own needs. This application seriously threatens the needs of the present and with excessive journey miles threatens future generations;

- The application does not conform to the accessibility criteria set out in the schedule of the Local Plan. Figures are inaccurate and put other entries in the application in doubt. There is no sustainable transport for this development. Paragraph 21 NPPF states “Support existing business sectors”. Core strategy CP10 refers to “Meeting Community Needs” and “No loss of community facilities”;
- the development, if it goes ahead, seriously threatens the existence of the hotel. The hotel has for many years enjoyed a full licence. It can take just one complaint of noise from The Vines to enable the Council to revoke the licence or to impose restrictions that would make it impossible to continue trading. The proposals put forward by the Council for the applicant to undertake an evaluation regarding noise are unhelpful. The evaluation should have been undertaken before the application was submitted. The Officer has chosen the wrong section in the planning guidance;
- Core Strategy CP17 states “reinforce the east west ridgeline” The application conflicts with this policy;
- LS1 of the Local Plan states that “development which would harm the landscape setting of the City will not be permitted. Proposals should maintain local, distinctiveness and character”;
- a planning application has already been refused on the application site. Unlike other developments that have been granted planning permission, this site is on Gipsy Hill and is a recognised land mark. The Masterplan describes the ridgeline as an area of “outstanding natural beauty”;
- The Vines is an inappropriate site for retirement homes. It borders the motorway, link road and hotel. It is on the edge of a business park, close to an industrial estate, and has 35% affordable houses. This is a world apart from the Blue Cedar Home’s in the seaside resort of Budleigh Salterton. The applications has been changed from retirement homes for the over 65’s to age restricted for over 55’s;
- the Council want 2,500 houses by 2026. This applicant already has approval for 1,680 homes and with two other approvals make at least 2,140. There is another 11 years to go for just 360. The 17 houses should not be considered as material. There are so many more suitable sites for retirement homes; and
- the reasons stated together with further comments given make approval of the application unlawful.

The Assistant Director responded stating that the reference to the Exeter Local Plan Policy LS1 - protecting the landscape setting of Exeter - had been within the 2005 Adopted Plan but this had been superseded by the Core Strategy which allocated 2,500 homes within the Monkerton area. He advised that the report stated that the application was consistent with the Development Plan and was not in conflict with the National Planning Policy Framework nor the Core Strategy. With regard to the claim that the proposal would not be sustainable in transport terms, he stated that the site access would be within 90 metres of the Tithebarn Link Road which would have a bus service and the site was about 500-600 metres from Pinhoe Railway Station. Further, there would also be footway/cycle way links along the Tithebarn Link Road. It would not be appropriate to undertake a noise impact assessment at present but at a later stage to inform layout. An assessment would not threaten the

principle of development but may lead to necessary mitigation measures such as insulation and design of the scheme.

The applicant had consent for 1,680 homes within the Monkerton area but some of this consent was in Tithebarn Green in East Devon. The City Council was currently short of its 2,500 target. With regard to the provision of homes for the elderly, this application was only one of two to have come forward at Monkerton and the other, McCarthy and Stone, was yet to be delivered. The Monkerton area was suitable for affordable developments. The application was not unlawful.

Mr Yeo spoke in support of the application. He raised the following points:-

- Blue Cedar Homes is an Exeter based development company specialising in building housing for the elderly;
- the proposal at The Vines would provide a balanced mix of properties, to help meet the housing needs of the City. The 17 dwellings will deliver much needed specialist elderly housing, together with affordable and family housing;
- believe that such a scheme within this part of the city, will be a very positive step to help encourage a balanced community and to meet the specific needs of people in later life;
- the Vines is a sustainably located infill development site, that is part of the Hillbarton and Monkerton Master Plan area, that the Council approved for development;
- Work is now well advanced on the construction of the Tithebarn Link Road. Linden Homes are shortly to commence construction on the land adjoining the Vines, which in due course will form the access to this development. Planning and Highways officers are satisfied that this is appropriate and that it reduces traffic on the Gypsy Hill Lane; and
- there are no technical issues affecting the delivery of the proposal and ask that this application be approved.

Members considered the tabled paper and the Assistant Director City Development responded to the issues within. He stated that the development would be sustainable as it accorded with the concept of sustainable development as set out in the National Planning Policy Framework and the Council's Core Strategy and there were no environmental and traffic implications which would make the proposal inherently unsustainable. With regard to the landscape setting, the Core Strategy allocation and the Monkerton Master Plan allowed development on the ridge line as part of the provision of 2,500 homes. The draft Development Delivery Development Plan Document identifying the site as a ridgeline park carried little weight. The access ultimately proposed through the Linden Homes development would mean that traffic would not access via Gypsy Hill Lane other than to The Vines development and conditions were proposed to cover permanent and construction access. The traffic assessment with the application showed a modest volume of vehicular traffic per hour and, essentially, there would be no additional traffic on Gypsy Hill Lane as a result of the application.

Mrs Carleton submitted a further note to the Chair, the Assistant Director responding as follows:-

- with regard to the criteria in the Local Plan for a bus stop to be within 500 metres of the site, the site was within 90 metres of the entrance to the Tithebarn Link Road and although the exact site had not yet been identified there would be a bus stop on this road; and

- the Monkerton Master Plan identified a strategic allocation for 2,500 homes and included the concept of a picturesque ridge with development in high quality landscaping.

Members commented that the principle of development was acceptable but felt that the developer should be requested to make reasonable changes to construction hours on weekends. When building properties closest to the Hotel disruption to the business should be kept to a minimum. The proposal would help meet the City's housing needs including the need for retirement accommodation in the Pinhoe area. Members also felt that, with the proximity of bus and train services, there was no evidence to support the claim that the development was not sustainable

Responding to the Chair, the Assistant Director City Development confirmed that the advice of Environmental Health officer on proposed mitigating measures to limit sound noise from the hotel would be obtained after the completion of the noise impact assessment survey and that this would be reported back to a Delegation Briefing.

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

**RESOLVED** that, subject to the successful completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure open space provision, a District Heating Scheme and 35% affordable housing, the Assistant Director City Development be authorised to grant outline planning permission with all matters reserved except access for 17 houses including 10 age-restricted houses designed for older people, subject also to the following conditions:-.

- 1) C07 - Time Limit – Outline
- 2) C01 - Standard Outline
- 3) C04 - Outline - Exclude Details
- 4) No part of the development hereby approved shall be commenced until a vehicular access to the north (as indicated on drawing 430 SK2) and a vehicular route to/from the Tithebarn Lane Link Road have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
**REASON:** To ensure that a safe and suitable access is achieved and to protect the function of the primary cycle network, in accordance with paragraphs 32 and 41 of the National Planning Policy Framework.
- 5) There shall be no vehicular access for any traffic, including construction traffic, related to the site onto Gipsy Hill Lane except that serving the existing property 'The Vines'.  
**REASON:** To restrict the levels of traffic on Gipsy Hill Lane, in accordance with Section 4 of the National Planning Policy Framework
- 6) 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 CEMP the following restrictions shall be adhered to:
  - a) There shall be no burning on site during demolition, construction or site preparation works;
  - b) Unless otherwise agreed in writing, no construction or demolition works shall be

carried out, or deliveries received, outside of the following hours: 0800 to 1800 hrs Monday to Friday, 0800 to 1200 hrs 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 CEMP shall be adhered to throughout the construction period.

**REASON:** To ensure the amenity of the neighbourhood

- 7) 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 any contaminated land is identified and mitigation measures are undertaken
- 8) Prior to commencement of the development, the applicant shall submit a noise assessment for approval by the LPA. 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 development from noise. 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 standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.*  
**REASON:** To ensure the amenity of the area is protected.
- 9) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwellings, in relation to an agreed fixed point or O.S. datum have been submitted to, and been approved in writing by, the Local Planning Authority. 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 future occupants.
- 10) Unless it is demonstrated in writing prior to commencement 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. 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 and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 11) At Reserved Matters Stage, a Landscape and Environmental Management Plan should be produced to define how habitats and features are to be retained and managed into the future to secure biodiversity enhancement, in accordance with the NPPF. This document should demonstrate compliance with the integrated biodiversity enhancements noted in the Adopted Exeter City Council Residential Design Guide.

**REASON:** To ensure the protection of landscape and habitats on the site.

- 12) C34 - Landscape Scheme – Outline
- 13) C38 - Trees - Temporary Fencing
- 14) C12 - Drainage Details
- 15) C11 - Sewage Disposal
- 16) C57 - Archaeological Recording

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**PLANNING APPLICATION NO. 14/4806/03 - LAND AT AND TO THE EAST OF  
HILL BARTON ROAD, EXETER**

The Principal Project Manager (Development) (MH) presented the application for the construction of a new roundabout access junction from Hill Barton Rod and associated landscaping and infrastructure works.

Members were circulated with an update sheet - attached to minutes. Sixty two objections had been received about the roundabout that would provide access to a development of 750 new homes which form part of the 2,500 homes planned for Monkerton/Hill Barton. The update sheet summarised an additional late representation and legal advice. Legal advice was that the application was correctly made, needed to be determined and had no impact on outline consent. Originally a traffic light controlled junction had been proposed but the acquisition of additional land had facilitated an alternative approach in the form of a three arm roundabout. This approach was considered preferable in terms of highway safety.

Mr Mariott spoke against the application. He raised the following points:-

- owner occupier of 121 Hill Barton Road for 40 years;
- proposal has resulted in a huge number of objections;
- the Parsons Brickernhoff Stage I Road Safety Audit states that a relaxation to one step below the desirable minimum for visibility was sought;
- inaccurate basis of the Stage 1 Road Safety Audit. Traffic census taken before provision of extra homes in the area and with upwards of 5,000 homes in total to be provided when development in the area is complete;
- insufficient analysis and assessment of potential impacts - based on unrepresentative surveys/studies i.e. outside term times/busiest hour;
- roundabouts not appropriate in residential areas on grounds of capacity/visuals, inconvenient to pedestrians, inappropriate Toucan crossing and hazardous for cyclists;
- four major roundabout junctions in the area - Monkerton, Countess Wear, M5 and Moor Lane which all utilise traffic controlled junction which also should be applicable in this junction; and
- inappropriate design.

The Highway Development Management Officer responded to the issues raised relating to Highway matters. A roundabout was a more sustainable and safer option to a signalised right turn junction on to Hill Barton Road given the traffic flow in this area. To facilitate crossing a toucan crossing would provide for movement across Hill Barton Road to the south of the junction and crossing facilities on the splitter islands would be provided on the north and eastern arms. Speed would be reduced in the long term. It would have overall benefits in terms of the wider traffic network,

reduce emissions and improve road safety. He stated that the access right out of Leypark Road onto Hill Barton Road would be successfully incorporated into the new scheme.

He confirmed that the Stage 1 Road Safety Audit was appropriate and the analysis of the application was based on suitable base line traffic data related to the wider area. It was acceptable for the standard to be below Design Manual for Roads and Bridges levels in this case

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

- Hill Barton Consortium have applied to change the existing approved signalised right turn junction on to Hill Barton Road to a roundabout.
- this was now possible because the Consortium had acquired Hill Barton House since the original approval and this provided additional land in which to construct a suitable roundabout. This was a far preferable means of access compared to a signalised traffic junction; and
- the roundabout provides far greater flexibility in capacity and will provide for a more even flow of traffic along Hill Barton Road than traffic lights.

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

**RESOLVED** that planning permission for the construction of a new roundabout access junction from Hill Barton Road and associated landscaping and infrastructure works be **APPROVED**, subject to the following conditions:-.

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C35 - Landscape Scheme
- 4) C37 - Replacement Planting
- 5) C38 - Trees - Temporary Fencing
- 6) C57 - Archaeological Recording
- 7) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.  
**Reason:** In the interest of the environment of the site and surrounding areas.
- 8) 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.
- 9) The development hereby approved shall be implemented in accordance with the recommendations set out in Section 4 of the submitted Ecology Statement dated October 2014.

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

18                    **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

19                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

He referred to the likely submission of appeals in respect of the Moor Lane Junction and Waddington Park on Exeter Road, Topsham, the latter being in respect of non determination as a result of a decision awaited in respect of the Home Farm appeal.

**RESOLVED** that the report be noted.

20                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 17 March 2015 at 9.30 a.m. The Councillors attending will be Choules, Lyons and Mitchell.

**Additional Information Circulated after Agenda Dispatched - circulated as an appendix**

(The meeting commenced at 5.30 pm and closed at 7.10 pm)

Chair