

PLANNING COMMITTEE

Monday 29 June 2015

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Buswell, Choules, Denham, Lyons, Mottram, Newby, Prowse,
Raybould, Sutton and Williams

Apologies:

Councillor Edwards

Also Present:

Assistant Director City Development, Principal Project Manager (Development) (HS),
Principal Project Manager (Development) (MH) and Democratic Services Officer
(Committees) (HB)

44

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

45

PLANNING APPLICATION NO. 15/0172/03 AND LISTED BUILDING APPLICATION NO. 15/0173/07 - EXETER FLOOD DEFENCE SCHEME

The Principal Project Manager Development (HS) presented the application for the construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences.

A total of 47 representations had been received and he explained the details of the scheme broken down into the following zones:-

Zone 1: Cowley Bridge to St. David's Station.
Zone 2: Station Road to Exwick Playing Fields.
Zone 3: Central Exeter.
Zone 4: The Quay.
Zone 5: Exeter Canal between Trews Weir and Bridge Road.
Zone 6: St. James Mill Leat and Countess Wear.

Because of the large area covered by the application and as requests to speak had come from members of the public living in the different zones, the Chair agreed on this occasion to accept more than one member of the public to speak. This was done on the basis of one speaker only from each of the identified zones.

Mr Runciman (Zone 3) spoke on the application. He raised the following points:-

- lived in area for 55 years and not opposed to the principle of development;
- opposed to the destruction of the natural habitat through the covering of a large area with concrete;
- there will be an adverse impact on the area with environmental damage to the leat area including the island in the middle, loss of trees and impact on wildlife;
- suggest the introduction of similar features proposed for the Quay area; and

- urge Members to visit the site, an unique area of Exeter, before reaching a decision.

He responded as follows to Members' queries:-

- representing the majority of residents in the area; and
- house insurance covers flooding.

Mr Coffin (Zone 6) spoke on the application. He raised the following points:-

- lived in area for 43 years and speaking on behalf of 30 households;
- oppose sluice bridge which is 46 metres long and 11 feet wide and is for heavy lorries for maintenance only and will divide and destroy a beauty spot in the centre of the community. It is felt that a light foot bridge/sluice would suffice;
- proposal to replace marshland by a "lunar landscape", which is claimed is environmentally unimportant, is wrong. Mammals, fish and insects abound and 60 bird varieties have been observed in the past two years;
- under "no net loss" wetlands will be catered elsewhere but these, desirable as they are, are on private land and out of sight and out of mind;
- an alternative proposal would enable the saving of most of the marshes and could be further improved by the inclusion of a lagoon/wetlands similar to Matford – there would be far less loss of flood plain over that proposed by the Environment Agency. A restrictive viewing platform could be included for residents, cyclists, pedestrians and school children enjoying the Exe trail;
- a temporary Bailey Bridge has been offered by 24 Commando Regiment to transport soil across the Exe and save £200,000; and
- request deferral of the issues of the sluice and landscaping until a better solution is found.

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

- the Environment Agency, the City and County Councils have formed a Partnership to develop and deliver improved flood defences for Exeter. In February 2013, £6 million was secured for additional funding from central government in recognition of the importance of the scheme to the future economic growth of the City;
- two major floods in 1960 devastated parts of the City and defences built along the Exe since then have successfully contained flood water, but the system ran at full capacity in 1999, 2000, 2002 and 2012;
- 3,270 properties are at risk as is critical infrastructure such as St David's Station and the mainline, key arterial roads, four schools and seven health centres/surgeries. The current flood risk varies between 2.5% (risk of occurring in any one year) and 10% along the river corridor and is seen as an inhibitor to continued economic growth;
- two public exhibitions have been held and numerous meetings with affected landowners, residents, Council officers and other stakeholders with widespread community support for the solution;
- the scheme caters for pedestrian and cycle access alongside and across the river, the heritage value of such places as the Quay and Piazza Terracina and enhancements to the river for wildlife;
- wishes of individual landowners have been accommodated as far as possible;
- construction will start in early summer 2016 and take two years;
- traffic disruption will be kept to a minimum by close liaison with the County and City Councils, local residents and businesses;

- adequate flood defences are essential for the safety and prosperity of the City's residents; and
- account has been taken of the need for strong glass parapets to withstand trees etc. during floods.

He responded as follows to Members' queries:-

- have undertaken extensive consultation with local residents and also with the military in respect of their offer of a Bailey Bridge; and
- have transport management plan for works in affected areas.

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.

Planning Application No. 15/0172/03

RESOLVED that, subject to the Assistant Director City Development being granted delegated authority and to prior consultation with the Chair of this Committee and the Portfolio Holder for City Development and the opportunity for Members to visit the sites, in respect of condition 16, planning permission for the construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences be approved, subject to the following conditions which may be varied as appropriate:-

- 1) C05 - Time Limit – Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 9 March 2015 as superseded by revised drawing received on 17 May 2015 and 17 June 2015, and as modified by other conditions of this consent.

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

- 3) No development shall commence until a written scheme of archaeological work 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.

- 4) No part of the approved development shall take place until a Construction and Environment Management Plan (CEMP) relating to that part of the approved development, and including any preparatory and enabling works, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
 - a) The construction access points from the highway;
 - b) Restrictions to burning on site;
 - c) Hours of working, which unless otherwise agreed, shall be not 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;
 - d) Dust suppression measures that shall be employed as required during

- construction in order to prevent off-site dust nuisance.
- e) Noise, vibration and dust control measures and practices shall be employed as required during construction in order to prevent off-site nuisance.
 - f) The recording and handling of complaints relating to construction activity.

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

- 5) No part of the approved development shall take place until a full investigation relating to that part of the approved development, and including any preparatory and enabling works, 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. [Access](#) shall not be allowed into any of the completed areas of works until any approved remedial works relating to that area that are required 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 public safety.

- 6) The pre-construction surveys and mitigation plans for any works affecting European Protected Species shall be submitted to and approved in writing by the Local Planning Authority and works detailed therein shall be carried out in accordance with the approved plans.

Reason: In the interests of sustainable development.

- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and soils shall be submitted to the Local Planning Authority and no development shall take place on any part of the site until the Local Planning Authority have approved a scheme for that part of the site; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, the details of soils and seed mixes and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

- 8) No materials shall be brought onto any part of the site or any development commenced in that part of the site, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development in that part of the site the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

- 9) 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.

- 10) Before works commence on any part of the development hereby approved a plan for the management of site waste, including soils, relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved plan.

Reason: In the interested of sustainable development and the interests of human health.

- 11) Before works commence on any part of the development hereby approved, a manual for the management of and maintenance of the ecological, biodiversity enhancements and landscaping, relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interested of sustainable development.

- 12) Unless otherwise agreed in writing samples of the materials (and including the mortar, coursing and bonding of any block or brickwork), it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- 13) A scheme for the management, maintenance and operation of the flood defences (including all flow control structures and pumps) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and to ensure that provision is made for the ongoing operation of the scheme of defences.

- 14) A scheme for the advance warning of the closure of flood gates across Station Road and the management of traffic during any closure shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. This scheme shall be implemented before these gates are first brought into use.

Reason: In the interests of sustainable development and highway safety.

- 15) Unless otherwise agreed in writing by the Local Planning Authority those parts of the development listed below shall not be commenced until the details specified have been submitted to and approved in writing by The Local Planning Authority.

- a) The detailed design of the flood defence gates at Station Road.
- b) The detailed design of the storage benches, bollards (including coverings), flood gate, wall, and the supporting structures and foundations thereof, and works of surfacing and ground re-profiling at the Quay.
- c) The detailed design and construction of the Individual Property Protection measures to The Antiques Centre, Kings Wharf and Quay Cellars.
- d) The detailed design of the flood defence gate at Piazza Terracina.
- e) The detailed design of all flap valve closures to be provided to existing pipe outfalls.
- f) Details of the works to Quay Bridge.
- g) The detailed arrangement of the junction of the propose ramps with the footpath and cycle path at Exe Bridges North.
- h) The detailed design of the flood defence gates at Mill Road.
- i) Details of the root protection measures implemented at the London Plane Tree in design and during construction.

Reason: Insufficient detail has been submitted in respect of these matters to ensure a satisfactory appearance and implementation of the development.

- 16) Unless otherwise agreed in writing by the Local Planning Authority those parts of the development listed below shall not be commenced until the details specified have been submitted to, and approved in writing by, the Local Planning Authority.

- a) detailed design of landscaping and the Flow Control Structure on St James Mill Leat at Waring Bowen Court; and
- b) detailed design of the flood defence structures at Mill House and Eagle Cottages, Bonhay Road

Reason: It is considered that insufficient detail has been submitted in respect of these matters to ensure a satisfactory appearance and implementation of the development and to enable further involvement of local residents in their detailed design.

- 17) Before works commence on any part of the development hereby approved a Traffic Management Plan relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved plan.

Reason: In the interests of minimising the impact of construction traffic on the highway, protecting residential amenity and public safety.

The Principal Project Manager Development (HS) presented the application for Listed Building Consent in respect of the following affected properties/listed buildings: The Malt House and Custom House, Transit Shed, Quay House, Wharfinger's Office, 4 The Quay, Prospect PH, Rose Cottage, King's Wharf, The Vaults and Cannon Bollard at the Quayside and the Lime Kilns at Countess Wear.

Listed Building Application No. 15/0173/07

RESOLVED that the Assistant Director City Development be granted delegated authority to **APPROVE** the application for Listed Building Consent for the construction of flood defence improvements, comprising raising of existing defences and new flood defence walls, embankments and demountable defences

affecting the buildings and their settings, subject to the following conditions (which may be varied or supplemented as appropriate):

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 9 March 2015 as superseded by revised drawing received on 17 May 2015 and 17 June 2015, and as modified by other conditions of this consent.

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

- 2) C08 - Time Limit - L.B. and Conservation Area
- 3) Unless otherwise agreed in writing samples of the materials (and including the mortar, coursing and bonding of any block or brickwork), it is intended to use externally in the construction of the development in shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area to ensure a satisfactory appearance and implementation of the development in the interests of protecting the character appearance and setting of Listed Buildings and the character and appearance of the Riverside Conservation Area.

- 4) Unless otherwise agreed in writing by the Local Planning Authority those parts of the development listed below shall not be commenced until the details specified have been submitted to and approved in writing by The Local Planning Authority.
 - a) The detailed design of the storage benches, bollards (including coverings), flood gate, wall, and the supporting structures and foundations thereof, and works of surfacing and ground re-profiling at the Quay.
 - b) The detailed design and construction of the Individual Property Protection measures to The Antiques Centre, Kings Wharf and Quay Cellars.
 - c) Details of the works to Quay Bridge.
 - d) The detailed design of the flood defence gates at Mill Road.

Reason: Insufficient detail has been submitted in respect of these matters to ensure a satisfactory appearance and implementation of the development in the interests of protecting the character appearance and setting of Listed Buildings and the character and appearance of the Riverside Conservation Area.

PLANNING APPLICATION NO. 14/2093/03 - ALDI STORE, EXETER ROAD, TOPSHAM

The Assistant Director City Development presented the application for the erection of Class A1 foodstore (1,635 sq m gross) with associated access, car parking and landscaping, and other associated works.

He reported six additional letters of support and a petition of 323 signatures in support. An on line petition objecting to the proposal had also been received with 67 signatories raising no new issues.

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

- the longstanding Local Plan Strategy is to establish a new residential community with a community hub in the form of a local centre at Seabrook Orchards, comprising a local store, community hall, primary school, doctor's surgery/pharmacy, cafe, crèche and other facilities;
- the hub will deliver facilities which are not being provided elsewhere in the Newcourt development area. The local centre is required as a key part of the development, binding its delivery into the Section 106 agreement;
- the first phase of 200 houses at Seabrook Orchards, including significant areas of open space, pitches, community allotments, open space and other essential infrastructure, is currently under consideration;
- Bloor Homes are contracted to deliver "Phase 1" including its infrastructure. The new Church of England primary school has detailed approval and construction is about to commence in July;
- the planned local centre is a fundamental part of the sustainability of the Seabrook Orchards community and the Newcourt Urban Extension and will not be viable if the proposed Aldi proposal is granted planning permission;
- the retail element of the local centre is essential to its success and, without it, the doctor's surgery/health centre, community hall, crèche and cafe will not proceed;
- the Council's retail consultant, GVA have advised that Seabrook Orchards Local Centre is a sequentially preferable alternative site for the Aldi proposal. This is a fundamental reason for refusal of the Aldi application;
- in terms of impact, GVA have advised that there is a significant adverse impact on planned investment in the Seabrook Orchards Local Centre in planning policy terms. GVA have also confirmed that there will be a significant adverse impact on Topsham if the Aldi proposal and the Seabrook Orchards Local Centre both proceed; and
- providing the Aldi does not proceed, there are viable plans for a foodstore to be delivered at Seabrook Orchards.

He responded as follows to Members' queries:-

- a sustainable local community shop is proposed which can be accessed by foot or cycle and it will be located in the centre of the development;
- more jobs will be created than by the Aldi scheme because of the mix of community shop, doctors surgery, cafe and school and the Centre is part of the Local Plan;
- although the Aldi store would fit they did not wish to locate on this site. The community shop will be a good size and provide basic foodstuffs; and
- although food-stores exist in a very competitive market believe that the nature of the store proposed will be a success.

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

- the application is the product of extensive public consultation and careful consideration of the proposals in the context of the site, Topsham district centre and the wider area;
- ALDI has considered carefully the options for the site's development which has received significant public support including a local petition of over 300 signatures;
- the retail policy aspects of the development have also been considered in detail and the impact of the proposal on Topsham has been assessed and therefore extremely disappointed that the recommendation has been changed to refusal;

- the objectors are seeking to retrospectively alter the nature of the proposed local store, or local centre, at Seabrook Orchards to attempt to demonstrate that an alternative site exists;
- the comments from the objector are not consistent with the plans for Seabrook Square that were put forward back in 2011 and supported by adopted policy. At no point has there ever been any suggestion that a discount foodstore should be accommodated in the Seabrook development. It is only now that those proposals are being massaged to try to present an alternative option. This alternative would be different from that 'vision' presented in the Dart's masterplan and different from that envisaged by the Core Strategy;
- it is wrong to suggest that a store could be accommodated in the planned local centre. The implications of this amendment in terms of the development that the Council has already granted permission for are significant. The local store or local centre envisaged for the Seabrook Orchards site was to provide facilities of purely a local nature, as shown on the approved masterplan and what has been delivered in similar developments elsewhere;
- there are no other alternative sites that are suitable and available to ALDI. Instead the proposed ALDI site represents an opportunity to deliver a new form of retailing to the Topsham area, providing value for money, competition to the other main foodstores, and choice to existing and future local residents; and
- the application site is one that can be delivered now and could be providing benefits to local residents and employment for around 40 people by early 2016.

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

Members felt that the Aldi store would have limited impact on both the Topsham centre and the small local store in the Countess Wear estate. It would provide greater choice to local residents and also to those who live further afield and visited the larger superstores. Local residents would also have far less distance to travel, particularly as many of these fell within the older age brackets.

The recommendation was for refusal for the reasons set out in the report.

RESOLVED that planning permission for the erection of Class A1 foodstore (1,635 sq m gross) with associated access, car parking and landscaping, and other associated works be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit – Commencement.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 16th September 2014, 7th October 2014 and 27th March 2015 (*dwg. nos. 130447 P(1)01, 130447 P(1)02, 130447 P(1)03 Rev A, 130447 P(0)05, 130447 P(1)06, 130447 P(1)08, and 130447 P(1)09*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials.
- 4) C35 - Landscape Scheme.
- 5) C37 - Replacement Planting.

- 6) C38 - Trees - Temporary Fencing
- 7) No part of the development hereby approved shall be brought into its intended use until footways on the south side of Exeter Road connecting the site vehicular access to the nearest bus stops to the west and east of the site, as indicated on Drawing No. 130447 P(1)03 Rev A, have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To provide a safe and suitable access for pedestrian and cyclists, in accordance with Paragraph 32 of the NPPF.
- 8) No part of the development hereby approved shall be brought into its intended use until the vehicular access, including provision of a feature to provide pedestrian/cycle priority across the access, and internal footpath along the eastern boundary to the store entrance have been provided, surfaced and marked out 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 provide a safe and suitable access to the site, in accordance with Paragraph 32 of the NPPF.
- 9) No part of the development hereby approved shall be occupied until the onsite cycle parking facilities, car parking facilities, footways and car park layout shall be provided in accordance Drawing No. 130447 P(1)03 Rev A and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) C57 - Archaeological Recording..
- 11) A detailed site Travel Plan shall be submitted to and agreed in writing by the Local Planning 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.
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.
- 12) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.
Reason: To ensure the satisfactory drainage of the development.
- 13) Air conditioning plant associated with the development shall only run between the hours of 07.00hrs to 23.00hrs and noise from refrigeration and air conditioning plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 29 dB (23.00hrs to 07.00hrs) and 41 dB (07.00hrs to 23.00hrs) when measured at any noise sensitive receptor.
Reason: In the interests of the residential amenity of the occupants of nearby properties.

- 14) Deliveries associated with the development hereby approved shall only take place between 07.00hrs - 23.00hrs Monday to Saturday, and 09.00hrs - 18.00hrs on Sundays and bank holidays. The movement of empty roll cages outside the store building shall take place during the opening hours of the store.
Reason: In the interests of the residential amenity of the occupants of properties in the local vicinity.
- 15) C70 - Contaminated Land.
- 16) 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.
- 17) Unless it is demonstrated in writing prior to the commencement of the development, to the satisfaction of the Local Planning Authority, that it is unviable or impracticable to do so the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st 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: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 18) Prior to the commencement of the development hereby approved 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) Limitation on comparison goods floor space (20%).
- 20) Prior to the commencement of the development hereby approved a detailed scheme of mitigation in relation to the slow worm population identified as present on the site shall be submitted to, and be approved in writing by the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved scheme of mitigation.
Reason: To ensure that the impact of the development on the protected species present on the site is appropriately mitigated.

- 21) Unless otherwise agreed in writing by the Local Planning Authority, the store hereby approved shall be operated in accordance with the provisions and recommendations set out in the submitted Noise Impact Assessment prepared by KR Associates (UK) Ltd dated December 2014.

Reason: In the interests of the residential amenity of the occupants of properties in the local vicinity.

47

PLANNING APPLICATION NO. 15/0185/03 - LAND TO REAR OF FORMER CRAWFORD HOTEL, ALPHINGTON ROAD, EXETER

The Assistant Director City Development presented the application for the development of four dwellings (three terrace units and one detached).

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

- speaking on behalf of local residents;
- cars park both sides of Percy Road; which makes manoeuvring through the road and also in and out of the proposed development site very difficult. Either the development proceeds which will be of great inconvenience to all living in the road or the car parking along the street is reduced - both options are not acceptable;
- an experienced lorry driver helping with delivering furniture remarked that construction and delivery vehicles will experience great difficulties in accessing the site; and
- road condition is already poor and will result in further deterioration if the development proceeds.

Members referred to ownership of adjoining land by the City Council and the feasibility of an alternative scheme using additional land suggesting that construction could be achieved through Retail Park Close. It was noted that the County Council Highways Engineer had not objected to the scheme and had confirmed that a permanent access to serve the residential units from Percy Road was preferable and access for construction vehicles during the construction period from the same access was satisfactory.

Ms Boobier, spoke in support of the application. She raised the following points:-

- the development will contribute to the Council's ability to meet its housing land supply requirements;
- the development meets the requirements of the residential design SPD, respects the urban grain of the immediate area, can accommodate all highway and emergency requirements and will not have a detrimental impact on neighbouring residential amenity;
- the application was deferred at a previous Planning Committee for consideration to be given to an alternative means of vehicular access off Retail Park Close due to concern with regard to loss of on-street parking on Percy Road. This has been discussed with highway consultants, the County Council and City Council. The applicant does not own the land required for a vehicular access off Retail Park Close and it would be unreasonable for the applicant to be put in a ransom position when a suitable and an appropriate access off Percy Road can be provided which is to a standard that satisfies the Highway Authority and is capable of being delivered. Percy Road is the appropriate access point for a residential access as it serves existing residential development and Retail Park Close is not a suitable residential access point to serve the development; and

- the proposed Percy Road access had been reworked in order to reduce the on-street parking spaces that would be lost by the provision of the access road from the equivalent of 3 spaces to the equivalent of 1 on-street parking space to seek to address the concerns raised.

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

Members felt that it was unfortunate that further progress had not been made with utilising additional land adjacent to the site which was in Council ownership and which could have provided additional housing. They also remarked that the area suffered from parking and traffic problems in narrow streets which were likely to be exacerbated by this proposal.

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

RESOLVED that planning permission for the development of four dwellings (three terrace units and one detached) be **REFUSED** as the proposal is contrary to Core Planning Principle 4 and Section 7 of the National Planning Policy Framework, Objective 3 and Policy CP17 of the Exeter Local Development Framework Core Strategy, Policies H2 and DG1 (a and h) of the Exeter Local Plan First Review 1995-2011 and the Council's Supplementary Planning Document 'Residential Design' because:-

(a) by virtue of the creation of an access on to Percy Road it will have detrimental impact on the amenity of neighbouring residents, the character and quality of the local environment and the safety of local roads; and

(b) by virtue of the design the proposal does not promote local distinctiveness or contribute positively to the visual richness and amenity of the townscape.

48

PLANNING APPLICATION NO. 14/2062/02 - PHASE 1, HILL BARTON ROAD, EXETER

The Principal Project Manager (Development) (MH) presented the application for reserved matters for construction of 148 dwellings and associated works. (Phase 1 development area).

Mr Vanstone spoke on the application. He raised the following points:-

- not objecting to the proposal, but requesting further consultation with the developer regarding the access to 129 Hill Barton Road;
- a new drive with landscaping and boundary fencing for privacy was included in the outline planning details in 2012 but the developer had not been in contact for two and a half years and therefore request that the developer speak to me;
- wish to relocate the access to 129 Hill Barton Road slightly to the east and away from the junction onto Hill Barton Road. This access will be safer than access on to two lanes; and
- Devon County Council have indicated that there is no objection to the access subject to a satisfactory gradient.

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

- outline consent for residential development had been granted on 29 November 2013 allowing for the construction of up to 750 dwellings, a mixed use centre, public open space, highway access and associated infrastructure works;

- the applications are for 148 dwellings against the outline and a small full application for 18 dwellings on land acquired by the applicant after outline consent was granted and collectively form its Phase I area of development within the Monkerton & Hill Barton Masterplan Study Area;
- since September 2014 Persimmon Homes has worked closely and constructively with officers to produce an acceptable scheme. A number of significant changes have been made to the proposal throughout the life of the application and the scheme accords with adopted policy and guidance;
- through extensive dialogue, improvements have been made to the layout; the design of the house types; the form and quantum of residential parking; and overall densities and the scheme is better suited to its context;
- a key consideration of all residential development is highway safety. The principle access point off Hill Barton Road was agreed at outline stage and the applicant has engaged positively with Highway Engineers with Technical Approval for off-site works being granted at the beginning of the month;
- regarding on-site highway considerations the applicant has worked closely with Devon County Council Highways. The proposed visibility splays, carriageway widths, and the quantum and form of parking are considered acceptable by all parties;
- an agreement has been reached on affordable housing; and
- the design, use of quality materials together with a sympathetic layout and the retention of existing landscape features ensure an effective use of land that will be a positive addition to the city and an attractive proposition for future residents.

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.

RESOLVED that, subject to the completion of a deed of variation of the existing Section 106 Agreement under the Town and Country Planning Act 1990 in respect of affordable housing provision, planning permission for the construction of 160 dwellings and associated works (Phase 1 development) be approved, subject also to the following conditions:-

- 1) All conditions imposed on application number 14/0832/03 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C15 - Compliance with Drawings.
- 3) No development works comprising either a temporary construction crossing or permanent highway crossing of the existing cycle/footpath running through the site shall be carried out until detailed drawings and arrangements to secure unrestricted use of the route by pedestrians and cyclists throughout the course of the development, including any necessary temporary diversion measures, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: In the interests of permeability and maximisation of opportunities for the adoption of sustainable transport choices in connection with both travel to work and recreation.

- 4) Notwithstanding the details shown on the drawings hereby approved the road junction adjacent plot 45 shall be constructed in accordance with further detailed design drawings that shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) prior to the final construction of that junction being commenced.
Reason: To ensure that safe and suitable access for all users of the road network is provided in accordance with paragraph 32 of the National Planning Policy Framework.
- 5) Notwithstanding the detail shown on drawing no 120 Rev P5 details of the position, gradient and timeframe for construction of the proposed access into no 129 Hill Barton Road from the new estate road shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the first dwelling.

Reason:- To ensure that the details of the proposed access are acceptable in terms of providing safe and suitable access to the property without any adverse impact of the operation of the wider highway network.

In the event that the deed of variation is not completed within six months of the date of this committee meeting, the Assistant Director City Development be authorised to **REFUSE** permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the deed of variation.

49

PLANNING APPLICATION NO. 15/0457/03 - HILL BARTON HOUSE, 133 HILL BARTON ROAD, EXETER

The Principal Project Manager (Development) (MH) presented the application for the development of 18 dwellings and associated works.

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.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, relating to District Heating and affordable housing, planning permission for the development of 18 dwellings and associated works be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) Submission of Materials Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and no development above damp-proof course level shall take place before their approval is obtained in writing. The materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: In the interests of character and appearance of the development and the visual amenity of the area.
- 4) Unless otherwise agreed in writing by the Local Planning Authority none of the dwellings shall be occupied until the works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details indicated on drawing nos. 1005 Rev P02, 2502 Rev P03, 2503 Rev P03, 2504 Rev P03, 2202 Rev P02 and 2203 Rev P02.
Reason: To ensure the satisfactory drainage of the development.

- 5) 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.
- 6) The approved remediation scheme comprised in the submitted Phase 2 Geo-Environmental Site Investigation Report dated August 2014 and Supplementary Trial Pit Investigation dated January 2015 (Both by TUV SUD PMSS) must be carried out in accordance with its terms prior to the commencement of development on any parts of the site affected by the remediation works required, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to occupation of the development.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary an (amended) remediation scheme must be prepared in accordance with the requirements of condition 2. The investigation, risk assessment and remediation scheme shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved (amended) remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to occupation of the development.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

- 7) C57 - Archaeological Recording
- 8) Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of development or site preparation, an Ecological Method Statement and an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. They shall include (but not be limited to) a lighting plan to ensure a dark corridor for commuting bats, a reptile mitigation plan and opportunities for enhancement.
Reason: In accordance with the terms of the submitted Environmental Statement and to protect and enhance biodiversity.
- 9) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with JP Associates Arboricultural Constraints Report dated June 2014 and plans reference nos. D11 55 P4 (x2). The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

- 10) The development hereby approved shall be carried out strictly in accordance with the submitted Construction Environmental Management Plan (Condition 16 - CEMP) dated June 2015.
Reason: In the interest of the environment of the site and surrounding areas.
- 11) 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.
- 12) No development above damp-proof course level shall take place until a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.
Reason: - To ensure the satisfactory drainage of the development.
- 13) 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.
- 14) 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 CSH Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (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.
- 15) 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 days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 16) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

- 17) 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 prior to occupation of any dwelling hereby permitted, 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.

- 18) No part of the development hereby approved comprising plots 1-4 shall be commenced until amendments to the access onto Hill Barton Road to provide 3.0 kerb radii, as indicated in the Site Layout and Housing Mix drawing number SK130 Rev P2, have been completed. Thereafter the access shall be maintained as amended unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a safe and suitable access for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

50

PLANNING APPLICATION NO. 15/0247/03 - LAND TO REAR OF 16A WEST AVENUE, EXETER

The Assistant Director City Development presented the application for the demolition of existing double garage and shed and the erection of new two storey dwelling

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

- the proposal will greatly increase the likelihood of break-ins and burglaries with easy access over the boundary;
- it would reduce the sense of light and space along Hooper Lane and will lead to further anti social behaviour and could become a magnet for undesirable activity;
- the proposal is against the Local Plan as there will be no space for family vehicles or vehicles for the disabled;
- no provision for delivery or emergency vehicles, skips, construction and utility vehicles;
- the area is an arts and crafts setting with brick render whereas the proposal; would see the use of corrugated sheet and is against the residential design guide;
- the proposal will lead to the loss of open space and garden area and such “garden grabbing” will set an unacceptable precedent with a 12 metre wall out of place in this area of trees and low profile garages;
- the late submission of revised plans showed a high mezzanine floor which will overlook the garden of neighbour; and
- the property likely to be occupied by students.

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

- the two key planning issues are whether there will be a detrimental impact on the amenity of neighbouring properties would harm to the streetscape and conservation area and if the proposal fails to meet the design guidance. Believe that the answer is no in both cases;
- understand the concern that the proposal would not comply with planning policy and guidance but the amenity will be preserved with the dwellings being 30 metres apart and screened by additional planting. The ground floor will not be overlooked and security will be enhanced;
- both Hooper Lane and the Conservation area will be preserved and enhanced and there will not be a detrimental impact on the street scene and Conservation Area. The proposal adds security to this residential area;
- the proposal will be of a high quality and will provide a high quality precedent to any future development that may occur;
- the dwelling will comply with the neighbourhood plan and will be occupied by the applicant; and
- the amenity area left for the flat will be 30 square metres and the plans for a mezzanine area were for illustration purposes only and is outside the application area and does not require consent.

Members felt that the proposal would result in over-development and possibly set a precedent for further “mews style” developments and would therefore be detrimental to the existing residential area. They were concerned about the lack of amenity space for the immediate neighbour and believed that the garden provided insufficient space. Hooper Lane was narrow and not a highway and additional traffic could be generated by this proposal.

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

RESOLVED that planning permission for the demolition of existing double garage and shed for the erection of new two storey dwelling be **REFUSED** as the proposal is contrary to Core Planning Principles 4 and 10 and Sections 7 and 12 of the National Planning Policy Framework, Objectives 8 and 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy, Policies H2, DG1 (b, d, f, g, h, and i) and DG4(b) of the Exeter Local Plan First Review 1995-2011, Exeter St James Neighbourhood Plan Policies EN4, D1 and H1 and the Council's Supplementary Planning Document 'Residential Design' because:-

(a) by virtue of its position to the rear of the main building, its height and design and its proximity to the boundaries with 14 and 18 West Avenue, the proposed dwelling would be detrimental to the residential amenity of neighbouring properties and their ability to feel at ease in their gardens;

(b) by virtue of the greater intensity in use (the construction of a dwelling on the site of a garage), the scale, massing and materials would introduce a change to the character of the existing urban grain and character of the conservation area that would not preserve or enhance it.

The Assistant Director City Development presented the application for the change of use from B1 to D1 – Non residential institutions.

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

RESOLVED that planning permission for the change of use from B1 to D1- Non residential institutions be **APPROVED** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 26 March 2015, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

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

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

53 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

54 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party be held on Tuesday 14 July 2015 at 9.30 a.m. The Councillors attending will be Lyons, Prowse and Edwards.

(The meeting commenced at 5.30 pm and closed at 9.35 pm)

Chair