

## **PLANNING COMMITTEE**

Monday 2 November 2015

### **Present:**

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

### **Apologies:**

Councillors Buswell, Mottram and Prowse

### **Also Present:**

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

73

### **MINUTES**

The minutes of the meetings held on 27 July, 7 September and 5 October were taken as read and signed by the Chair as correct.

74

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

75

### **PLANNING APPLICATION NO. 15/0704/01 - LAND WEST OF FITZROY ROAD AND NORTH OF HONITON ROAD, EXETER**

The Assistant Director City Development presented the application for the mixed use development of district centre comprising uses within some or all of Classes A1 (Retail) with associated Garden Centre, A2 (Financial & Professional Services), A3 (Restaurants and Cafes), A5 (Hot Food Take-Away), D1 (Non-residential institutions), D2 (Leisure), associated means of access, access road, car parks, infrastructure works, public realm and landscaping.

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

The recommendation was for refusal for the reasons set out on the update sheet.

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

- benefits will include a £45 million investment, at least 400 permanent jobs and up to 150 construction jobs, a £1.85 million CIL receipt, it will deliver an essential “hub” of facilities for many thousands of residents and employees as required by the Core Strategy and it will enhance the east side of Exeter as a business location;
- it is not just a shopping development as it will provide a hub of everyday community facilities including gym, childcare, healthcare, optician, financial and a pharmacy. Just as the residential and business communities on the west side of Exeter need the St Thomas District Centre, which causes no harm to the City Centre despite its closer proximity, the east side needs Moor Exchange, which will provide a similar “hub” of facilities;

- if rejected there will be no hub of facilities to serve the existing and new communities on the east side of Exeter that the Core Strategy requires, contrary to the Development Plan strategy to deliver sustainable communities;
- there is no adverse impact on any existing centre or the Bus and Coach Station proposals as confirmed by the two impact assessments the applicant had prepared and no evidence to the contrary;
- as a matter of common sense there cannot be competition with the Bus Station proposals which are leisure led and of completely different complexion;
- despite the problem of the supermarket operators, a positive response has been made to recent suggestions to change the scheme to include less non-food floor-space to provide for a discount food operator to sit alongside M&S Simply Food. This has been rejected but the offer remains, to be secured through conditions;
- the Chair of the Exeter Science Park states that the facilities are vital to business and essential they should proceed;
- the commercial view of the Chamber of Commerce is that the proposals will not harm the city centre - they represent the overall, balanced commercial view of the City's traders and investors, not "vested interests" who are simply seeking to protect against "competitors"; and
- overwhelming support from those living and working on the east side of Exeter.

Responding to Members' queries, he reiterated his statement that there was no evidence to refute the applicant's assertion that there would be no impact on City Centre retail patterns and advised that the aim was for a 2019 opening of the site.

**RESOLVED** that planning permission for the mixed use development of district centre comprising uses within some or all of Classes A1 (Retail) with associated Garden Centre, A2 (Financial & Professional Services), A3 (Restaurants and Cafes), A5 (Hot Food Take-Away), D1 (Non-residential institutions), D2 (Leisure), associated means of access, access road, car parks, infrastructure works, public realm and landscaping be **REFUSED** for the following reasons:-

- 1) The application site forms a significant part of the Monkerton and Hill Barton strategic allocation area. The scale and function of the proposed development would not accord with, and would be prejudicial to the achievement of, the strategic objectives for 'around 2,500 dwellings, and around 5 hectares of employment land and all associated infrastructure' at the Monkerton and Hill Barton area as set out in Policy CP19 of the Core Strategy.
- 2) The application conflicts with the proposed employment allocation in Policy DD2 of the Publication Development Delivery Development Plan Document, Policy DD3, that seeks to resist loss of employment allocations and Policy DD4 that limits local services within employment areas to those designed to serve the workforce need only.
- 3) The proposed development would not accord with the retail strategy focussed on mixed use development at the Bus and Coach Station in Exeter city centre and would therefore be contrary to Policy CP8 of the Exeter Core Strategy.
- 4) The application has failed to satisfy the sequential test and has not demonstrated that the Exeter Bus and Coach Station site would not be

suitable for the proposed town centre uses in accordance with Policy CP8 of the Core Strategy and paragraphs 24 and 27 of the National Planning Policy Framework.

- 5) The application has failed to demonstrate that the proposed development would not result in a significant adverse impact on committed and planned public and private investment in centres in the catchment area of the proposal; and on town centre vitality and viability in accordance with Policy CP8 of the Core Strategy and paragraphs 26 and 27 of the National Planning Policy Framework.
- 6) The application conflicts with Core Strategy policies CP8 and CP19. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, section 70(2) of the Town and Country Planning Act 1990, and Paragraph 12 of the National Planning Policy Framework it should therefore be refused as other material considerations do not indicate otherwise.

76

**PLANNING APPLICATION NOS. 15/0907/03 AND 15/0909/03 LAND OFF  
EXETER ROAD, TOPSHAM, EXETER**

The Assistant Director City Development presented the application for six residential flats, car parking and associated facilities 15/0907/03); and Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27<sup>th</sup> July 2015, ref 14/1605/01) for the approval of the appearance, landscaping, layout and scale of 22 dwellings on part of outline site (15/0909/02).

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.

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

- loss of Topsham Gap is a key issue. This is an environmentally sensitive area and has always been a distinct boundary between the unique areas of Topsham and Exeter. The Gap is being slowly eroded and will be eliminated with this development;
- calling this development a “gateway” is unacceptable as, not only does it lead to the loss of the Gap, but a two/three storey block on the corner is visually inappropriate as a gateway element;
- Retreat Drive is a rural lane and its character will change with the development as, not only will there be pedestrian access onto the Lane from the houses, but car parking on the verge will be inevitable;
- with the absence of play area provision, it has been suggested that the Ferry Road recreational area can be enhanced but, as it is some distance from this development, it is unlikely that children and families will seek to use it;
- higher density provision is out of keeping with neighbouring residential areas; and
- the Police have also expressed concerns regarding the density,

Mr Burley spoke against the application. He made the following points:-

- the site is an open field at the edge of 1930's/50's 2 storey ribbon development and forms a green edge on entry into Topsham. At the western end, where it adjoins Retreat Drive and leads to the listed Retreat, it has a distinctly rural appearance. The site was, until recently, part of the Topsham Gap, protected by landscape setting designation, which still applies to land to the north of Exeter Road;
- whilst residents opposed the previous outline applications, there is general acceptance that development will now occur, but a strong feeling that it should be compatible with the surrounding context. However, residents are dismayed that having granted the outline approval for a maximum of 23 units, City Council planners have been willing to recommend approval for a significant further intensification for the current combined scheme of 28 units;
- these proposals are nearly double the density of surrounding buildings well in excess of the original SHLAA units yield assessment (20 units) and highly urban in form and design. One block proposed is to be sited immediately against the footpath of Retreat Drive and will be three storeys high. Proposals generally, but this element in particular, are completely out of character with context, destroy the approach/setting of the listed Retreat and will create a hard, building dominated edge to the town;
- approval of a scheme of this type/design will both be an overdevelopment of this edge of small town site and it's intensity will be used by future applicants of adjoining areas to undermine the City Council's policy position to maintain the remaining Topsham Gap; and
- in addition to the architectural-design issues, residents are concerned:
  - that the proposal will adversely impact backdrop trees at the rear of the site, acknowledged by the applicant at outline stage as being critical;
  - that parts of the development will front and access onto Retreat Drive, which is an unadopted road, the owners of which have not been included in the consultation process;
  - that this frontage will encourage parking on Retreat Drive, intensifying traffic flows in the road and increasing the number of pedestrians crossing Exeter Road, creating a safety hazard. Members may be aware that a fatal accident occurred at the junction 2 years ago;
  - that whilst support to the initial outline application was obtained by offering discounted market housing, now that outline approval has been granted, this has been dropped. This appears a particularly cynical misuse of the public consultation process; and
  - that provisions for on-site play space have been omitted which might free up land for a future application for further development;
- with the City Council under housing number pressure, approval would be contrary to it's written policy and abdicate it's responsibility to administer good planning for the city;
- the applicant will dismiss residents views as NIMBYism, but the neighbourhood does not seek to prevent development, only ensure that it does not unnecessarily decimate the character of our community in pursuit of housing numbers and profit;
- the applicant has reconstructed the basis of their proposals since outline stage and there is justification in declining to accept this intensification and insisting the applicant reverts to the basis originally approved at outline stage; and

- resident's would urge Members to at least defer this application pending redesign to a form compatible with the immediate vicinity (i.e. two storey detached housing), avoiding access/use of Retreat Drive and providing a suitable level of separation and a landscaped buffer between the Drive and new development. The resultant impact of such a decision on housing numbers will be minimal within the overall Citywide context. The impact on the community would be significant.

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

- Heritage had a reputation for building high quality, cutting edge homes with a lot of attention paid to extensive landscaping and planting and this development will be the same. There will be a line of new semi mature trees along the entire road frontage providing a green screen to the development;
- a contemporary scheme has been designed to provide a distinctive gateway development and will not be a pastiche of historic architecture but offer the best in contemporary design, drawing on distinctive architectural features and materials as seen around Topsham but in a contemporary way;
- the use of traditional natural materials and colours, such as natural terracotta clay tiles and white render, will ensure that these buildings will weather well and look good for decades rather than just the first few years of their life;
- the linear pattern of existing housing has been continued but in looser form allowing the introduction of three courts around which other dwellings have been arranged. This enables them to be concealed from the main road and allows efficient use of the site;
- the mass and footprint of the applications follow closely the indicative plan that is already approved in outline. The additional numbers of units have been achieved by simply including some smaller one and two bed apartments within the proposed blocks without significantly increasing the footprint;
- just three of the buildings are three stories high. However the shallow 20 degree pitch roofs of the three story buildings mean their ridge heights are actually no more than a two story building with a traditional 45 degree pitch roof and the second floors are lower than the motorway bridge;
- the buildings are in proportion to their setting, in particular, they are not overpowered by the mass of the Motorway embankment;
- the scheme provides a distinct gateway feature and a clear end to the development rather than simply allowing the linear line of houses to extend with an inappropriate juxtaposition adjacent to the motorway;
- these will be zero carbon homes with careful attention paid to sound attenuation both inside and out. Mechanical heat recovery and ventilation, triple glazing, and exceptional sound insulation will ensure these homes are not only ecofriendly, but pleasant and quiet to live in. Careful orientation of the buildings, acoustic fences and boundary walls will shelter the external gardens; and
- these are ground breaking twenty first century homes, in a modern City, that will stand the test of time.

He responded as follows to a Member query:-

- the City Council housing officers had requested the transfer of six units to the City Council as affordable homes and two further properties are available as shared equity purchases at 75%.

**RESOLVED** that planning permission for Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27<sup>th</sup> July 2015, ref 14/1605/01) for the approval of the appearance, landscaping, layout and scale of 22 dwellings on part of outline site (15/0909/02) be **DEFERRED** for further negotiations with the applicant on density and the approach to open space. The Council's view on affordable houses should be clarified and residents' views sought on the approach to open space.

**RESOLVED** that planning permission for six residential flats, car parking and associated facilities (15/0907/03) be **DEFERRED** for further discussions with the applicant.

**RESOLVED** that the Chair of this Committee and Ward Councillors be kept informed on the progress of any negotiations.

77

**PLANNING APPLICATION NO. 14/1579/03 - LAND TO WEST OF PILTON LANE, EXETER**

The Principal Project Manager (Development) presented the application for residential development of the site to accommodate 53 dwellings and associated works (revised plans reducing number of dwellings from 73 to 53).

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

The Principal Project Manager (Development) advised that a Flood Risk assessment had been submitted and that the Environment Agency had accordingly withdrawn their objection, South West Water had no comments in respect of the drainage strategy and County Highways regarded the access off Bakers Way as acceptable. A reptile survey had been received prior to the meeting and would be assessed.

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

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

- given the potential adverse impact on the proposed Exhibition Way link road as a result of the Inspector's decision on the Town Green application, the high level of traffic flow will not be alleviated at present and this will be exacerbated by traffic emerging from this development - right turns out of the site in peak periods will be very difficult;
- the recommendation to delegate to the Assistant Director refusal of the application if the Section 106 Agreement is not signed within six months should be removed; and
- the word "viable" in condition 8 weakens the City Council position and should be removed.

The Principal Project Manager (Development) stated that the issue of right turn access from the site had not been highlighted to County Highways and he undertook to clarify that they had considered this. He assured Members that no work could commence until the Section 106 Agreement had been signed and that it was therefore appropriate for both this recommendation and condition 8 to remain.

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

- speaking on behalf of the owners of the three properties located in the south-east corner of the proposed development site - Pilton Cottage, Stable Cottage and Belmoor Lodge;
- reject the report's contention that the development would not be inconsistent with the Monkerton and Hill Barton Master Plan. The building of a pub does not achieve the mix of uses originally proposed for this site. There are no retail outlets complimentary to Sainsburys, no office/employment opportunities and none of the much needed community facilities proposed and accepted in the Master Plan;
- concerns about the mix of dwellings, the lack of on-street parking and the failure to meet the 10% open space requirement, but main concerns are related to the residential amenity of our properties;
- if approved, local residents should be included in any discussion of further details set out in Condition 18;
- Mr Scarborough asked for the following six requirements to be met as part of condition 18 and the response of the Principal Project Manager for each is set out in italics:-

- ball games will not be permitted in the public open space;

*this was not a matter that could be controlled through the planning process;*

- plots 33 and 34 are built not less than the required 22 metres from the rear windows of our properties;

*this would not be the case. The separation distance was circa 17 metres which was considered acceptable in this context;*

- plot 35 is not built with less than the required 22 metres distance from the windows of Pilton Cottage;

*this would not be the case. The relationship was an oblique one and in those circumstances the 22 metres distance would be applicable;*

- the proposed boundary hedge will be not less than 2 metres from all our walls, including the wall on the eastern boundary where currently only 1 metre distance is proposed, making maintenance of the property difficult if not impossible;

*the difference was due to the presence of windows on one boundary but not the other and was considered reasonable;*

- the boundary hedge will be closed off at each end. Otherwise, there will be no security for our properties rather than the already seriously reduced security;

*this would be explored as part of the discharge of the landscaping condition;*

- the boundary hedge will be extended at its western end to include existing access from Pilton Cottage. Otherwise, we will have no access to the “service strip”.

*not desirable due to the creation of unusable space lacking surveillance and thereby potentially a security issue;*

**RESOLVED** that, subject to the reptile survey being satisfactory, the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 covering:-

- affordable housing;
- district heating;
- open space - public access and maintenance arrangements; and
- travel plan - financial contribution £500/dwelling and any necessary changes to access arrangements pending the comments of the Highways Engineer being agreed with the Chair;

the Assistant Director City Development be granted delegated authority to issue approval, subject to the conditions as set out in the main report and update sheet.

It was also noted that when details of the landscaping and boundary treatments of the open space were submitted pursuant to condition 18, the case officer would liaise with adjoining residents and the Chair prior to agreeing that.

planning permission for residential development of the site to accommodate 53 dwellings and associated works (Revised plans reducing number of dwellings from 73 to 53) be **APPROVED**, subject also 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 18th June 2014 and 7th August, 23rd September, 6th and 13th October 2015 (*dwg. nos. 435 102 Rev A, 435 011 Rev S, 435 012 Rev F, 435 015 Rev B, 435 017 Rev A, 435 016 Rev A, 435 121 Rev C, 435 201, 435 202, 435 203, 435 103 Rev C, 435 109, 435 110 Rev B, 435 111 Rev C, 435 112, 435 120 Rev C, 435 121 Rev B, 435 122 Rev B, 435 123 Rev C, 435 124 Rev C, 435 125 Rev C, 435 126 Rev C, 435 130 Rev B, 435 131 Rev B, 435 140 Rev B, 435 141 Rev C, 435 160 Rev C, 435 161 Rev C, 435 162 Rev C, 435 1635 Rev B, 435 180 Rev B, 435 181 Rev B, 435 200 Rev B and 931/PA/02*) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials 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.
- 4) The development shall not begin until full details of the proposed drainage scheme (including details of the on-going maintenance arrangements for any communal un-adopted elements of the drainage scheme) have been submitted to and approved by the Local Planning Authority in writing (in consultation with Devon County Council as the Lead Local Flood Authority). The drainage details submitted pursuant to this condition shall accord with the submitted Flood Risk Assessments by Jubb

Consulting Engineers Ltd report no. P8825/G201/B dated July 2006 and Fairhurst Consulting Engineers (Job No. 200206) received on 27<sup>th</sup> October 2015. In respect of surface water the drainage works shall comprise a Sustainable Urban Drainage Scheme (SUDS) unless it is clearly demonstrated in writing that it is unviable or unfeasible to do so on this site. Thereafter the development shall be implemented in accordance with the approved details. Thereafter the development shall be implemented in accordance with the approved details.

**Reason:** To ensure the satisfactory drainage of the development.

- 5) 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 building(s) hereby approved.

- 6) 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 the details specified on drawing no 931/PA/02. 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.

- 7) 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 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

**Reason:** In the interests of the occupants of nearby buildings.

- 8) 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 in accordance with the CIBSE Heat Networks Code of Practice 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.

- 9) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, 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.

- 10) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 9 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.

**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- 11) 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.

- 12) No part of the development hereby approved shall be occupied until the pedestrian crossing facilities at the junction of the main access road and Bakers Way have been provided and maintained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and retained for that purpose at all times.

**Reason:** To ensure a safe and suitable access is provided for pedestrians to the site.

- 13) No more than 50% of the development hereby approved shall be occupied until the pedestrian/cycle connections of 2.0 metres width from the development to Pinhoe Road and of 3.5 metres width to Pilton Lane, as indicated on Drawing 012 Revision F, have been provided. Thereafter they shall be retained for this purpose at all times.

**Reason:** To provide safe and suitable access and adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 14) 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.

- 15) Prior to occupation of any dwelling 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.
- 16) Prior to the commencement of the development hereby approved the further reptile survey work identified on page 11, Section 4.2 of the Extended Phase 1 Habitat Report by First Ecology dated May 2013 shall be carried out, and the results and any mitigation measures (including timeframe) arising from the findings shall be submitted to, and be agreed in writing by, the Local Planning Authority. Thereafter the development shall proceed strictly in accordance with the agreed details.  
**Reason:** To ensure that appropriate measures are in place to identify and mitigate any impact on resident reptile populations occupying the site.
- 17) The landscaping scheme detailed on drawing no 931/PA/02 shall be implemented in accordance with a timeframe that shall be agreed in writing by the Local Planning Authority prior to the occupation of the first dwelling on the site.  
**Reason:** In the interests of the visual amenity of the area.
- 18) Notwithstanding the details shown on drawing no 931/PA/02 further details of the proposed landscaping and boundary treatments in relation to the public open space at the southern end of the site, and the timeframe for implementation of those works, shall be submitted to, and be approved in writing by the Local Planning Authority prior to the occupation of the first dwelling hereby approved.  
**Reason:** To ensure that the landscaping and boundary treatment of the public open space is properly considered and designed in terms of both the visual amenity of the area and the residential amenity of the occupants of surrounding properties.
- 19) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.  
**Reason:** In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted above ground floor level in the east elevation of plot 34 without the prior written approval of the Local Planning Authority.  
**Reason:** To protect the residential amenities of the occupants of the adjoining property.
- 21) Prior to the commencement of the construction of Plots 8, 9, 10 and 11 fronting Pinhoe Road Air Quality and Noise Impact Assessments shall be undertaken and the results, together with any necessary mitigation measures, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall proceed strictly in accordance with the approved details.  
**Reason:** In the interests of the residential amenities of the future occupants of these properties.

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** permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the Section 106 agreement.

78

**PLANNING APPLICATION NO 15/1049/03 - PILTON HOUSE, PILTON LANE, PINHOE**

The Assistant Director City Development presented the application for reserved matters for two dwellings.

The recommendation was for approval subject to the conditions set out on the update sheet.

**RESOLVED** that planning permission for reserved matters for two dwellings be **APPROVED**, subject to the following conditions:-

- 1) The development hereby approved must be begun within five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.  
**Reason:** To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 2) 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 29th September 2015 (*Dwgs. Named: Site Plan/House Type 1 & 2 elevations/House Type 1 & 2 Floor Plans/Cross Sections/Schedule of Accommodation*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials 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 the 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.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority prior to the occupation of the dwellings; the scheme shall specify shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) C36 - No Trees to be Felled
- 6) C37 - Replacement Planting

- 7) C38 - Trees - Temporary Fencing
- 8) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided in accordance with details hereby approved and shall be retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 9) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operative's vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes during the construction period.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site during the construction period having regard to the limited width of access to the site, in the interest of public safety.
- 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) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, 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.
- 12) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 11 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.  
**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 13) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.

- 14) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.

**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

79

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

80

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

81

#### **SITE INSPECTION PARTY**

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

(The meeting commenced at 5.30 pm and closed at 7.55 pm)

Chair