

PLANNING COMMITTEE

Monday 24 July 2017

Present:

Councillor Gottschalk (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Foale, Harvey, Mrs Henson, Morse, Newby, Prowse, Sutton and Spackman

Also Present:

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

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DECLARATIONS OF INTEREST

Councillor Sutton declared a disclosable pecuniary interests as an employee of the University of Exeter and withdrew from the room whilst Minute 58 was discussed.

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PLANNING APPLICATION NO. 17/0006/02 - EXETER GOLF AND COUNTRY CLUB PRACTICE, NEWCOURT DRIVE

The City Development Manager presented the application for the construction of 82 dwellings, access, estate roads, landscaping and associated infrastructure. He set out revisions proposed by the applicant to address concerns regarding the impact the development would have on Old Rydon Lane and also referred to late representations received from residents which did not raise any new issues and to a traffic consultant's report produced on behalf of an objector who was also a potential developer in the area. He stated that it was unknown if the two different developers had been in discussion on the matter of a potential access onto Admiral Way.

Responding to Members, the County Highways Development Manager stated that the proposed changes along Old Rydon Lane would undergo a safety audit prior to implementation. He stated that, should there be any incidents or traffic difficulties, the Police had the power to suspend the proposed Traffic Regulation Order.

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

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

- object to proposal as owners of the adjacent land;
- no recent contact by either the County Council nor the Exeter Golf and Country Club regarding the ransom strip;
- prepared to seek an agreement to allow the access to be formalised;
- believe that access from Admiral Way is more suitable and options should be explored due to concerns relating to additional traffic generation in the area;
- the development will result in dangerous traffic road conditions particularly on Old Rydon Lane where a traffic assessment shows a potential increase in traffic of between 23%-48% which is not considered sustainable and, will result in a rat run; and

- only access to this area from the A379 is from Old Rydon Lane and during severe traffic congestion in the area or an incident blocking the road, emergency vehicles could face obstruction and delay.

In response to Members' queries, he confirmed that the ransom strip was in the ownership of Persimmon and that it was the thin area of land, covered in shrubs, between the fence and the pavement at Admiral Way and that if the County Council placed a Compulsory Purchase Order on the land a decision would have to be taken as to whether to appeal against it.

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

- the access road already built into Holland Park. Phase 1, was specifically built as a 5.5m. wide, Type R2 road to serve not only Phase 1 but also the proposed development of Phase 3;
- there are just two existing houses in Holland Park, Phase 1, which face the Access Road. The rest all come off subservient estate roads within the development. There are therefore no highway safety or capacity issues with the existing access, as it is capable of serving far more homes than the number proposed;
- Devon County Council have already given their full support and approval to the use of Old Rydon Lane for the modest number of dwellings proposed and work has been undertaken to provide a number of very significant improvements. The latest proposals enable Devon County Council to immediately implement a large section of the Strategic R9 Cycle Route in Old Rydon Lane which is Local Plan Policy. It will provide a dedicated Cycle Lane as set out in the Newcourt Masterplan all the way along Old Rydon Lane from Newcourt Drive to the entrance to Holland Park, Phase 1 and down through Phase 3. This will make Old Rydon Lane an attractive route, safe for cyclists;
- Devon County Council have been provided with an adoptable standard highway and a three metre cycleway to the southern boundary of the site. Once the roads have been built, they will enable the County Council to open up the highway access to Admiral Way in order to implement the rest of the Strategic Cycle Route up to the western end of Old Rydon Lane. This would not be possible without a highway link from Phase 1 to Phase 3 of Holland Park. Without approval of the application there is no Plan B;
- the Exeter Golf and Country Club state that Persimmon Homes refused to discuss a separate ransom payment for access and insisted that the Club had to sell the land only to them. But the Club can only release this land for development if it can relocate to the replacement Driving Range Site which is only available with the Heritage scheme. There is no other suitable site available. Unless this application is approved, as proposed, it is very unlikely that this site can ever be released for development and the Strategic R9 Cycle Route will never be delivered. Far from making traffic worse, this proposal allows Devon County Council to bring forward major safety improvements to Old Rydon Lane now, and to deliver a major Strategic Cycle connection approved in the Local Plan; and
- the application will deliver 82 new high quality homes, including quality rented homes delivered directly to the City Council for just £1.00 as well as a new sporting facility for the City, As the site is allocated and has formal approval from Devon County Highways, approval is requested.

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

Responding to a Member, he confirmed that Persimmon had not discussed an offer for the ransom strip. Members welcomed the improvement to the cycle network and the additional measures for Old Rydon Lane. They hoped that the provision of a link into Admiral Way would one day come to fruition.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 in respect of affordable housing and open spaces - provision of play equipment to an agreed scheme, public access and maintenance agreements, planning permission for the construction of 82 dwellings, access, estate roads, landscaping and associated infrastructure be **APPROVED**, subject also to the following conditions:-

- (1) A01 – Time Limit – full
- (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 21st December 2016, 5th April, 24th May and 5th June 2017 (including dwg. nos. EGCC-10-LOC rev 2.0B, EGCC-01- SITE PLAN Rev 24.0B, EGCC-01-SITE Plan Rev 24.0 - CIL & Construction Phasing Plan, EGCC-02-SITE PLAN Rev 24 - proposed Hard Landscaping layout (1 of 3), EGCC-03-SITE PLAN Rev 24 - proposed Hard Landscaping layout (2 of 3), EGCC-04-SITE PLAN Rev 24 - proposed Hard Landscaping layout (3 of 3), EGCC.KNS.01, EGCC.RDB.01 Rev A, EGCC.RDB.02 Rev A, EGCC.13-21.01 Rev A, EGCC.HAR.01, EGCC.BMT.01 Rev A, EGCC.PET.01, EGCC.BRLY.01, EGCC.APP2.01, EGCC.APP3.01, EGCC.APP3.02, EGCC.HRLY.01, EGCC.ELS.01, EGCC.BRM.01 Rev A, EGCC.BLY.01 Rev A, EGCC.BLY.02, EGCC.OKM.01 Rev C, and EGCC-DG) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** Before commencement of phase of the development the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved for the dwellings contained within that phase. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.
Reason for pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15. This information is required before development commences to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.
- (4) A38 – Archaeology
- (5) No development (other than archaeological investigation works) shall take place within the application site until the means of construction of foundations, and levels (including formation levels for the dwellings, roads and parking areas) have been agreed in writing by the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that disturbance to important archaeological remains is minimised.
- (6) A23 – Contamination (no info submitted)

- (7) A13 – Tree protection
- (8) A16 – Construction (CEMP 2)
- (9) A18 – Construction (site layout)
- (10) 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 and no dwelling shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- (11) A12 - Landscape and trees - replacement planting
- (12) No building hereby permitted shall be occupied until the off-site surface water attenuation feature indicated on drawing no. EGCC-01-SITE PLAN Rev 24.0B has been completed and brought into use to serve the development. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed Drainage & SuDS (Sustainable Drainage Systems) Maintenance Plan prepared by TWP Consulting Structural and Civil Engineers (Project Ref:16.342 Rev R02 dated November 2016).
Reason: To ensure the satisfactory drainage of the development.
- (13) The development hereby approved shall be implemented in accordance with the drainage strategy set out in the submitted Flood Risk and Drainage Strategy (Project Ref:16.342 Rev: R01-A) dated November 2016 and Construction Management Plan (Project Ref:16.342 Rev R01) dated May 2017 prepared by TWP Consulting Structural and Civil Engineers .
Reason: To ensure the satisfactory drainage of the development.
- (14) A19 – Travel Plan
- (15) No more than 50% of the development hereby approved shall be occupied until the footway/cycle path running adjacent to the Golf Club from Old Rydon Lane to the Newcourt Spine Road has been constructed up to the site boundary of the applicant's ownership in accordance with plans to be approved in writing by the Local Planning Authority.
Reason: To facilitate provision of a safe and suitable access for pedestrians and cyclists in accordance with paragraphs 32 of the National Planning Policy Framework.
- (16) No more than 50% of the dwellings contained within Phase 4 of the development (as indicated on drawing nos. EGCC-01-SITE PLAN Rev 24.0) shall be occupied until the foot/cycle path running between plots 33-43 and plot 44 has been constructed up to the site boundary of the applicant's ownership with the Newcourt spine road.
Reason: To facilitate provision of a safe and suitable access for pedestrians and cyclists in accordance with paragraphs 32 of the National Planning Policy Framework.

- (17) The development hereby approved shall be implemented in accordance with the provisions and recommendations set out in the submitted Biodiversity Mitigation & Enhancement Plan dated March 2017 prepared by Sunflower International Ecological Consultancy, and include the provision of integral nesting boxes as specified in the email from David Lovell dated 31st May 2017.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- (18) 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.
- (19) 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.

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PLANNING APPLICATION NO. 17/0724/03 - MOBERLY HOUSE, LOWER ARGYLL ROAD

The City Development Manager presented the application for the demolition of the existing halls of residence building (139 bedrooms) and a replacement building providing 251 student bedrooms arranged in 26 cluster flats including reception and common rooms, bike and refuse storage, repositioning of existing access with Lower Argyll Road, associated infrastructure and landscaping works.

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

Councillor Owen attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- area was initially for residential purposes but is now dominated by student housing;
- Members are still awaiting information on the number of students in the City in order to assess residential requirements and the annual report on student issues to the Planning Member Working Group is overdue due to staffing pressures. This further information should be provided before the Planning Committee considers further applications for student accommodation;
- the University's Deputy Vice Chancellor has commented that, resulting from Brexit, the number of EU students has dropped by 10% for Russell Group Universities, of which Exeter is one and that there is uncertainty on the level of non EU students seeking to come to Exeter in the future;
- the development is 80% larger than the present block which will lead to 80% increase in noise, disturbance etc.;

- Glenthorne Road is the main route into the campus which already suffers from noise which will increase with the growth in student number;
- existing problems and those likely to be caused by this development will be exacerbated with the development of a further 254 units, also on Glenthorne Road;
- the statement that because of self-catering facilities students will no longer need to go to Bilks Hall for meals is a red herring;
- a seven storey development will be detrimental to the area as well as impacting adversely on Duryard Lodge;
- the development conflicts with Policy H5B of the Exeter Local Plan First Review which requires that a planning proposal should not create an over concentration of student housing which would unacceptably change the character of the area;
- unnecessary to fell the proposed number of trees on Lower Argyll Road. The road looks very good with trees as they are now;
- inadequate transport infrastructure in the area - the increased number of students will lead to increased danger generally through students using the desire line rather than the pelican crossing to access the Subway shop opposite the bus stop, queuing at the bus stop itself leading to dangerous conditions as cars seek to pass the stationary buses and from vehicles passing between Cowley Bridge Road and Lower Argyll Road;
- the Duryard Trust, who own adjacent land, object to the development and refer to dangerous traffic conditions. The Trust suggests that a new access may be needed;
- the Exeter Civic Society believe that the development is excessive for this small site;
- weak carbon mitigation measures - a reduction in height could enable provision of solar panels; and
- application should be refused to address residents' concerns.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- echo views of Councillor Owen;
- local residents do not object to the principle of student housing but there is great concern that the development will be 80% larger than present and two to three storeys higher;
- the development will be detrimental to neighbouring properties, particularly Duryard Lodge;
- the removal of red cedar trees is regrettable and it is hoped that the replacement Scott Pines will be mature as far as possible;
- another block is due in the future in Glenthorne Road with 254 units which will further increase problems;
- surprised the highway authority have not investigated issues relating to the bus stop and pedestrian crossing in view of safety concerns raised which will become more apparent as student numbers increase in this area. It is therefore a missed opportunity to improve the inadequate infrastructure in the area;
- more information is required on student numbers in general before future applications are discussed, especially in respect of Policy H5B; and
- the overall Master Plan for student provision is not being adhered to.

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

- Moberly House is 30 of my paces from my cottage. From the grass above the cottage anyone can see into my dining room, kitchen and bathroom. Most of the south facing windows at Moberly House look directly onto my garden. My privacy will suffer further invasion should five storeys give way to seven;

- if the development does go ahead there will be 80% more students able to throw stuff onto my roof and into the garden; 80% more noise; 80% more light at nights; 80% more people queueing for the bus; 80% more taxis waiting outside my door; 80% more rubbish and rubbish vans and 80% more visits of Deliveroo;
- is there a need, given that student numbers are falling by 4-5% ?;
- the developers are suggesting an impactful entrance with a double height, lit-up glass reception frontage. A new building should settle subtly into the existing environment and not soar seven storeys high, nor spread to a wider footprint;
- Lower Argyll Road is unique with the towering red cedar trees making a fine feature and this scene and the trees should be preserved; and
- Moberly should be demolished and any building should be erected north of Lower Argyll Road alongside the other student accommodation.

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

- the application relates to the demolition of an existing University student halls of residence that has reached the end of its useful life and become something of an eyesore. The proposal is for a new improved, fit-for-purpose building in terms of both overall design and the type of accommodation offered to students;
- a key benefit to this site is its location in an area of the University campus already used for student accommodation. This brownfield site is therefore a suitable and sustainable location for continued student accommodation and reduces pressure to provide such accommodation elsewhere in the City, for example, in additional Houses in Multiple Occupation;
- the development makes efficient use of the site by increasing the total number of bedspaces for viability reasons given the cost of removing the existing building. This accords with Core Strategy Policy CP4 that supports residential development at the highest density compatible with the site;
- the provision of high quality accommodation is also a key factor in attracting students to study in Exeter that, in turn, contributes toward the vibrant economy of the City as a whole;
- the impact of the development has been mitigated. There will be less windows facing Duryard Lodge than the existing building, the building doesn't encroach any nearer to Duryard Lodge and additional fruit tree planting will reinforce screening between the two. The design has been amended to relocate the proposed escape stair away from the boundary and the lowest parts of the proposed building would be located on the boundary with Duryard Lodge;
- student activity is encouraged towards the centre of the site with no circulation space near Duryard Lodge;
- there is no change to the existing access points on to Glenthorne Road;
- pedestrian usage should be less as the building provides kitchens for each flat, whereas the existing building only provided catering at Birks Hall to the south;
- the original intention was to replace all of the site frontage trees on Lower Argyll Road. In response to comments received, the proposals have been amended to retain some of the trees on Lower Argyll Road that currently offer some screening between the development and Duryard Lodge and Cowley Bridge Road;
- contributions will be made towards extending permit parking areas on identified streets and to provide improvements to pedestrian facilities on Lower Argyll Road; and
- the development accords with Core Strategy Policy CP5 that supports student accommodation at the University campus. The development provides an appropriate balance between the need to make efficient use of sustainable

brownfield sites such as this, whilst having careful regard to the amenity of local residents and the character of the area.

He responded as follows to Members' queries:-

- there will not be a bank of windows facing Duryard Lodge;
- the block of flats accords with Approved Document B of building regulations. At present, there is no requirement to provide sprinklers but, if Government policy changes, sprinklers will be added
- one in two cycle spaces will be provided which meets the BREEAM excellent category. Both cycle provision and landscaping is included within the development;
- the units do not cater for wheelchair users because of the steep nature of the overall area, but ground floor units could be adapted if necessary. Provision is made elsewhere on the campus for accommodating wheelchair users;
- suitability of bus stop has been examined and, through the Section 106 Agreement, a contribution will be made to improve the railings along the raised footway above Cowley Bridge Road; and
- "heavy standard" trees will be provided in place of the Red Cedar Trees.

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

Members acknowledged the value of on campus provision of student accommodation given the need to release private properties and Houses in Multiple Occupation for non-student use. They supported the suggestion that an informative be added referring to fire prevention works under building regulations.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing a Student Management Plan and a financial contribution towards a Traffic Regulation Order (£15,000) and off-site pedestrian enhancement in the area (£25,000), planning permission for the demolition of existing halls of residence building (139 bedrooms) and a replacement building providing 251 student bedrooms arranged in 26 cluster flats including reception and common rooms, bike and refuse storage, repositioning of existing access with Lower Argyll Road, associated infrastructure and landscaping works be **APPROVED**, subject also to the following conditions:-

- (1) A01 – Time Limit – full
- (2) A06 – Details and drawings compliance
- (3) A09 – Materials (1)
- (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 and the building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- (5) A12 - Landscape and trees - replacement planting.

- (6) No development shall take place until a Detailed Arboricultural Method Statement in association with the Tree Protection Plan for the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant shall proceed in accordance with the measures described in the Arboricultural Method Statement throughout the duration of the works.
Reason: To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.
- (7) Prior to occupation of the development hereby permitted, a Travel Pack for each dwelling shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- (8) A15 – Construction (CEMP 1)
- (9) **Pre-commencement condition:** 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 for pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- (10) A33 – BREEAM (commercial only)
- (11) A36 – Swifts
- (12) No part of the development hereby approved shall be brought into its intended use until secure cycle and vehicular parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- (13) No part of the development shall be brought into its intended use until the amendments to the Lower Argyll Road access as indicated on the

“Proposed Site Access Drawing A098304 - SK01 RevA”, have been provided and maintained in accordance with details approved in writing by the Local Planning Authority and retained for that purpose at all time.

Reason: To provide safe and suitable access and ensure that adequate facilities are available for the traffic attracted to the site.

- (14) Prior to commencement of the development, excluding demolition and ground re-profiling work, the applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing by the LPA. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, communal areas, residents and events. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.
Reason: In the interests of residential amenity.
- (15) Prior to the commencement of the development, excluding demolition and ground re-profiling work, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: In the interests of residential amenity.
- (16) Prior to occupation of the building hereby approved details of the pedestrian access onto Glenthorne Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.
Reason: In the interests of pedestrian safety.
- (17) A23 – Contamination (no info submitted)
- (18) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction 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. This temporary surface water drainage management system must satisfactorily address both the rates and volumes and quality of the surface water runoff from the construction site.
Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues to the surrounding area.

The City Development Manager presented the application for the construction of ground floor Retail Unit (218m² gross internal floor area) and 20 residential apartments with associated amenity space, parking and associated works and provision of an additional 20 parking spaces for use in conjunction with Newcourt Community Centre.

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

- I, and local residents of Jack Sadler Way, believe that, because of the proximity of the development to our properties, we will be "goldfished bowled in" particularly as the number of units have been increased from eight to 20 and the balconies will overlook our properties;
- the development will result in problems of noise, excessive traffic and dust during construction;
- lack of green space for youngsters to play ball etc.;
- significant difficulty in and danger to children crossing the road because of the increase in traffic the development will bring and traffic chaos will result with the opening of the primary school; and
- little room for delivery vehicles to turn.

The City Development Manager advised that the objector's property boundary was 14 metres from the development and that the distance to the property itself was 21 metres. He stated that specifying the hours of delivery was more relevant for the larger supermarkets than for the smaller retail outlet proposed as part of this development. The Highways Development Manager stated that the condition relating to a construction environment management plan would ensure that deliveries avoided school opening and closing times.

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

- existing consent was for a larger, more imposing development than the one now proposed;
- the development helped address the need for additional parking in the area;
- a turning area and parking spaces for delivery vehicles were included in the parking area which is acceptable to the Highways Engineer;
- balconies are provided to accord with policy requirements for private amenity space;
- tried to reduce impact on neighbouring properties as much as possible. The overall size has been reduced and the flats on the top floor do not have balconies;
- a Construction Environment Management Plan is included as a condition which is standard for developments of this nature; and
- already in discussion with a potential occupier of the retail unit.

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 to secure the affordable housing provision (4 apartments for social rent), public availability and maintenance of the extra 18 parking spaces between the retail unit and Omaha Drive, and a contribution of £3,000 from the developer towards a Traffic Regulation Order relating to the works within the public highway to provide a raised pedestrian/cycle crossing over Omaha Drive, planning permission for the construction of ground floor Retail Unit (218m² gross internal floor area) and 20 residential apartments with associated amenity space, parking and associated works and provision of an additional 20 parking spaces for use in conjunction with Newcourt Community Centre be **APPROVED**, subject also to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 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 14th March and 26th June 2017 (including dwg. Nos. 001, RNSD-SK00 Rev P8, RNSD-SK201 Rev P8, RNSD-SK202 Rev P8, RNSD-SK203 Rev P8, sk1200 Rev P02 and sk1300 Rev P02) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** No development related works shall take place within the site 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 for pre-commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- (4) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development 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 and traffic routing, the effects of piling, emissions of noise and dust and arrangements in respect of site compound to serve the development and accommodation of construction workers vehicles on site during the course of the works. 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 for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- (6) **Pre-commencement condition:** The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment, noise from deliveries and collections, and noise transmission through the structure of the building as well as air-borne noise.
If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to

ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

Reason for pre-commencement condition: In the interests of the residential amenities of the occupants of the proposed apartments and surrounding residential properties.

- (7) **Pre-commencement condition:** 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 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 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 for pre-commencement condition: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- (8) In the event of failure of any trees or shrubs planted in accordance with the approved scheme of landscaping indicated on drawing no. RNSD-SK203 Rev P8 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.

- (9) No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

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

- (10) No construction /demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

- (11) 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 used are appropriate in the interests of the visual amenity of the area.

- (12) Prior to occupation 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 shall be submitted to and approved by the Local Planning Authority. The Wildlife Plan shall include the incorporation of a minimum of 20 integral bird/bat bricks within the fabric of the building. 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.

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PLANNING APPLICATION NO. 17/0440/02 - PHASE 2, LAND NORTH, WEST AND SOUTH OF MET OFFICE, HILL BARTON ROAD

The City Development Manager presented the application for the construction of 116 dwellings and associated works (Phase 2 development area). He explained that an acoustic fence would be required on the southern side as the site was adjacent to the consented commercial development at Moor Exchange. In addition the Highway Authority required that a connection through the southern boundary to the Moor Exchange site to the south would be available to buses, pedestrians and cyclist with private motorised vehicles prohibited. A number of small open spaces would be provided within the development but the main area of open space to serve the Hill Barton development would be delivered as part of the Ridge Line Park in a later phase with a contribution towards the much larger Ridge Line Open Space to which other developments would also be asked to/had contributed.

The Highways Development Manager explained that the bus only route would be signage only because of longstanding problems across the County with a bollard system. The County did not wish to enable access for cars as it was believed that this would result in a "rat-run" from Hill Barton and Monkerton through onto Honiton Road causing capacity issues at the Moor Lane roundabout.

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

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

- do not object to the housing and only seek clarity on condition three for the bus link and condition five, the acoustic fence, changes needed to protect the commercial scheme;
- the layout is driven by higher density and less internal roads but the opportunity has been missed for the main road to run along the hedge to act as a further buffer from the noisy commercial scheme, instead housing now directly borders the hedge;
- in return for greater density, Persimmon have proposed an acoustic fence to solve all the problems, but this is unclear. It is likely that a five/six metre plus acoustic fence is required. The worst case noise scenario from commercial operators needs to be defined so the specification can be appropriately agreed. If the specification of the fence is not sufficient to counteract the proposed noise from commercial operators, then it achieves little. Could condition five require the specification to reflect the proposed/likely noise via commissioned

assessments from the commercial scheme and likely operators - at present it does not;

- could Persimmon negate condition five and not install any fence at all as, at present, the site next door is a field, pending a revised commercial application and is not currently producing any noise;
- lack of enforcement for the bus link into the Moor Exchange land before it reaches highway at Fitzroy Road. Any grey area on highway performance at the entrance of the site concerns potential occupiers. The Highways Engineer has confirmed the concern that the link will be a heavily used rat run and the concern over the junction performance, Honiton Road and Moor Roundabout, yet a bus only link is sought with only signage as enforcement which is unacceptable;
- support the offer of a bus link in the future if an operator serves this route, however, the bus only link must be enforced via a bollard mechanism not just signage. It is common sense that, with only signage, this link will be utilised by private cars - uncertainty for potential Moor Exchange occupiers is unacceptable
- the "build out" proposed will be ineffectual and potentially dangerous and is within the Moor Exchange site and not within the red line of the application;
- there is no suitable control or enforcement delivered within this application; and
- a bollard mechanism is required to ensure this link is used as a bus link only and a barrier mechanism is delivered and secured within the red line of this application via a redrafted condition three.

He responded to Members' queries as follows:-

- the height and nature of the acoustic fence will be determined by the nature of the commercial units which is unknown at present;
- further clarity is required on build-out for a bus only construction to discourage private motorised vehicular use as currently proposed;
- the Moor Exchange scheme is fixed and will react to the operational requirements of commercial occupiers and not reflect the additional 900 homes planned for the area;
- no dialogue to date with the housing applicant nor Devon County Council in respect of the proposed link;
- parking spaces for shoppers are provided for in the Moor Lane development; and
- right hand turns into the site of this proposal as well as into Fitzroy Road is a concern.

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

- outline consent already given and the scheme fits in with the approved Monkerton Masterplan;
- have accepted advice of the Highways Engineer that the link should be bus only but will also support opening the link to all vehicles;
- no objection to "build out" to facilitate the link;
- will comply with Section 106 Agreement for provision of open space which will be provided at the appropriate trigger point.

Responding to a Member, he stated that there had been no discussions yet with bus providers regarding the possible locations of bus stops. Also in response to a Member, he advised that the provision of open space as part of the Ridge Line open space area would be in response to a trigger, the City Development Manager advising that this was related to a numerical number of houses provided which was some time away and was in accordance with outline consent.

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

Members expressed their concerns around the decision to provide a bus link controlled by signage rather than bollards, thus preventing access by motor vehicles, as they believed that this would cause considerable difficulty for the residents of this development and the wider area to access the proposed local shopping centre that was a likely occupier of the Moor Exchange Lane. It was also suggested that vehicles visiting Moor Exchange from Monkerton would cause added pressure on the by-pass and other roads.

The City Development Manager stated that, if the site was to fulfil a role as a local centre, it should be well served by appropriate accesses to the surrounding residential areas. There was also concern regarding the impact of extra traffic on the Moor Exchange roundabout.

Suggestions were made of alternative access points into the Moor Exchange site from this development. There were difficulties associated with the suggestions and, although the developer could re-design the residential layout, the preferred siting of a service road for the commercial development would be adjacent to the southern boundary which would result in traffic conflict with any access from the residential development. It was noted that, at present, no bus provision had been identified.

Members asked for clarification on the highway traffic implications for the area as this and other developments were brought forward and for a clear strategy to be developed for the benefit of local residents. Further consideration was needed regarding access to the site. They urged collaboration between the two developers and the County Council.

RESOLVED that the application be deferred for a report back to this Committee on the strategic access issues relating to the residential and other developments across the whole Monkerton Master Plan area.

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ADJOURNMENT OF MEETING

The meeting was adjourned for the following items to be considered at a further meeting of this Committee to be held on Monday 31 July 2017 at 5.30pm.

Planning Application No 17/0862/03 - Land off Exeter Road, Topsham
Planning Application No 17/0946/03 - The Quay Bridge, The Quay, Exeter Flood Defence Scheme
List of Decisions Made and Withdrawn Applications
Appeals Report
Site Inspection Party

(The meeting commenced at 5.30 pm and closed at 9.00 pm)

Chair