

PLANNING COMMITTEE

Tuesday 7 July 2009

Present:-

Councillor Mrs Henson (Chair)
Councillors D J Morrish, Choules, Edwards, Mitchell, Newby, Prowse, Taghdissian and Wadham

Also Present

Director Economy and Development, Development Manager, Planning Solicitor, Senior Area Planning Officer, Planning Technician (ID) and Member Services Officer (SJS)

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DECLARATIONS OF INTEREST

Members declared the following personal (*prejudicial) interests:-

COUNCILLOR	MINUTE
Councillor Choules	78*(member of the University Council and his wife, sister-in-law and himself are employees of the University) 81 (member of the University Council and his wife, sister-in-law and himself are employees of the University)
Councillor Mrs Henson	85 (lives in the vicinity of Apartment 4, The Ballroom, Clyst Heath)
Councillor Prowse	78 (Student Landlord) 80 (nectar card holder) 81 (Student Landlord)
Councillor Taghdissian	86 (44 Manston Road – lives in vicinity) 86 (17 Clinton Avenue – made representations to the Planning Inspectorate)

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PLANNING APPLICATION NO 09/0279/03 - BIRKS HALLS, NEW NORTH ROAD, EXETER, EX4 4PQ (CYCLE ROUTE ONLY)

Councillor Choules declared a prejudicial and personal interest as he is a member of the University Council and a personal interest as his wife, sister-in-law and himself are employees of the University.

Councillor Prowse declared a personal interest as he is a student landlord.

The Development Manager asked Members to defer this application to allow for further consideration of Option 1 or a revised Option 1 for the cycle route.

RESOLVED that this application be deferred to allow consideration of Option 1 or a revised Option 1.

(Report circulated)

**PLANNING APPLICATION NO.09/0615/03 - 12 FORE STREET, TOPSHAM,
EXETER, EX3 0HF**

The Development Manager presented the application for a ground floor extension on the north east elevation and roof lights on the roof of the main dwelling at 12 Fore Street, Topsham.

Members were circulated with an update sheet giving details of a site inspection on 26 June 2009 and a proposed additional condition regarding the design of the rooflights.

The recommendation was for approval subject to the conditions as per the circulated report and the update sheet.

The Local Member stated that the objectors were concerned that the proposal would cause loss of outlook.

Members who attended the site inspection felt that the proposal was an improvement on the existing lean-to.

RESOLVED that planning permission for a ground floor extension on north east elevation and roof lights on the roof of main dwelling 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 17 April 2009 (dwg. nos. 1532 1.9A, 1532 1.0A, 1532 1.1A, 1532 1.6A and 1532 1.7A and Design and Access Statement) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) Prior to the commencement of the development hereby approved full details of the proposed roof lights shall be submitted to, and be approved in writing by, the Local Planning Authority. These details should demonstrate the use of 'conservation style' roof lights and thereafter the development shall be completed fully in accordance with the approved details.
Reason: In the interests of the character and appearance of the property and the wider Topsham Conservation Area.

(Report circulated)

**PLANNING APPLICATION NO.09/0629/01 - J SAINSBURY PLC ALPHINGTON
CROSS STORE, ALPHINGTON ROAD, EXETER, EX2 8NH**

Councillor Prowse declared a personal interest as he is a nectar card holder.

The Development Manager presented the application for the extension to the existing Sainsbury's store, re-arrangement and provision of additional car parking, alterations to road layout and provision of new road link to Marsh Green Road, provision of replacement and enhanced landscaping; buildings to provide business/light industrial/retail warehousing, pedestrian and vehicular access to highway at J Sainsbury Plc, Alphington Cross Store, Alphington Road, Exeter.

A previous application to extend the store had been refused in October 2009 and this application sought to address the reasons for refusal. The application sought to extend the gross floor area of the store by 1,700 square metres (29%) and the parking spaces would be increased by 58. The realignment of the access road to Sainsbury's and the new roundabout would necessitate the removal of approximately 116 metres of the former railway embankment. To compensate for this loss a replacement landscaped section in the form of a "Devon bank" of 180 metres with tree planting was proposed. The most significant highway element of the scheme was the creation of a new link road from the Sainsbury's site to Marsh Green Road. The "Grace Road Link" had been a long established aspiration of the Exeter Local Plan.

Members were circulated an email from Councillor Paul Smith, an update sheet and a late information sheet giving details of a correction to the report and comments from the County Director of Environment, Economy and Culture which recommended an additional condition regarding plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction; plus additional conditions directed by the Highways Agency and an additional condition in respect of the landscaping mound to the rear of properties in Blenheim Road.

The recommendation was for approval subject to the completion of a legal agreement relating to the provision of the link road and off site highway works and conditions as per the circulated report and update sheets.

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

- the intention of the Grace Road link was established some 30 years ago; the position was completely different now
- an analysis should be done to establish if there was a need for the Grace Road link
- needed to be a review of the height of the bank for those houses in the adjacent properties with sloping gardens adjacent to the new road
- was concerned about the effect the extra traffic generated would have on the proposed new cycle route for the local school
- the former railway embankment was part of a designated Site of Local Interest for Nature Conservation
- the embankment formed a visual buffer between the commercial area to the north and residential properties to the south west
- the site was the subject of a Tree Preservation Order ensuring natural biodiversity
- concerned about the dangerous aspects of the proposed pond
- the removal of the embankment would create noise, light, dust and loose packaging pollution and decrease physical security
- the Committee should visit the site.

The Development Manager stated that the embankment on the proposed link road would be of adequate height and would include planting to prevent light pollution of the adjacent properties. He confirmed that three hundred trees would be planted and that there would be a net gain of quarter of a hectare of natural habitat. A condition could be placed on the Oak tree covered by a TPO to ensure that a method statement was produced to try and retain the tree.

Mr Lowin (agent) spoke in support of the application. He raised the following points:-

- the planning history showed that the original proposed Grace Road Link would have been closer to the existing houses
- would like to try and save the Oak tree

- was creating a habitat that would be better for wildlife
- the habitat would be managed by the Devon Wildlife Trust
- could fence the pond if Members considered it to be a potential danger although it would not be very deep.

In answer to Members, questions, Mr Lowin clarified:-

- that the extension was to encourage a small number of visitors that have not visited the store before and also to encourage existing customers to stay longer and spend more
- in response to the Travel Plan requested by the Highways Agency, Sainsbury's could not control the behaviour of persons using the store
- there would be a number of mature and semi mature trees planted on the site
- petrol would still be sold on the site but not over a 24 hours period.

The Director of Economy and Development clarified that the traffic assessment submitted by the applicant had been assessed by Devon County Council who viewed it as acceptable. The Director of Economy and Development would contact the Highways Agency with regards to the wording of their required conditions.

Members welcomed this revised application and the additional habitat provision although they did have concerns regarding the Highway Agency's requested condition regarding a Travel Plan and requested that the Oak tree should be retained if at all possible.

The Development Manager stated that a condition could be added to any approval to ensure that the Oak tree was retained if possible.

RESOLVED that planning permission for the extension to the existing Sainsbury's store, re-arrangement and provision of additional car parking, alterations to road layout and provision of new road link to Marsh Green Road, provision of replacement and enhanced landscaping; buildings to provide business/light industrial/retail warehousing, pedestrian and vehicular access to highway be **approved** subject to the completion of a legal agreement relating to the provision of the link road and off site highway works and the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the building(s), the means of access thereto and the landscaping of the employment site as defined on the attached plan (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C06 - Time Limit - Approval of Reserved Matter
- 3) The development (excluding the employment designated area as defined within the attached plan) 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.
- 4) C12 - Drainage Details
- 5) C15 - Compliance with Drawings

- 6) C17 - Submission of Materials
- 7) C35 - Landscape Scheme
- 8) C36 - No Trees to be Felled
- 9) C37 - Replacement Planting
- 10) C57 - Archaeological Recording
- 11) C70 - Contaminated Land
- 12) C72 - Highway - Estate Roads etc
- 13) C38 - Trees - Temporary Fencing
- 14) C59 - No Outside Storage
- 15) The premises shall not be used for the direct retail sales unless for bulky goods to include (without limitation) kitchens, beds, bedroom, bathroom/tiles, white goods/electrical goods, motor accessories, furniture, carpets, flooring, office supplies and equipment hire.
Reason: The area is not considered appropriate for open A1 Retail Use.
- 16) No development in respect of any building shall commence until full details of that building have been submitted to and approved in writing by the Local Planning Authority in respect of:-
 - i) external plant/ventilation equipment;
 - ii) all external lighting;**Reason:** Insufficient information has been submitted with the planning application and in the interest of residential amenity.
- 17) No part of the development hereby approved shall be occupied or brought into its intended use until the access, parking spaces, turning area and access drainage have been marked out, provided and maintained in accordance with details that shall have been submitted to, agreed 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.
- 18) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:
 - a) parking and vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of planting and materials;
 - c) storage of plant and materials;
 - d) programme of works to include measures for traffic management;
 - e) vehicle washdown measures and facilities
 - f) provision of boundary hoarding and
 - g) site compound,has been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.
Reason: In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.

- 19) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 20) No development shall commence until an ecological management plan for the long term maintenance of the proposed landscaping has been received and approved in writing by the Local Planning Authority and therefore after carried out in accordance with the recommendations at all times.
Reason: To ensure the continued visual appearance of the proposed landscaping and to safeguard the amenities of residents living in the nearby dwellings.
- 21) No more than 30% of the overall sales floorspace of the store shall be used for the sale of comparison goods.
Reason: To safeguard the vitality and viability of the existing retail areas.
- 22) The proposed estate roads, footways, footpaths, junctions, cycleways, verges, 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, as appropriate, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 23) A comprehensive Travel Plan shall be submitted for the A1 foodstore element of the development hereby approved by the Local Planning Authority and the Local Highway Authority, in consultation with the Secretary of State for Transport, in advance of the occupation of the development. The Travel Plan shall be prepared in line with prevailing policy and shall include as a minimum; the identification of targets for trip reduction and modal shift; the methods to be employed to meet these targets; the mechanisms for monitoring and review; the mechanisms for reporting; the penalties to be applied in the event that targets are not met; the mechanisms for mitigation; implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter and mechanisms to secure variations to the Travel Plan following monitoring and reviews.
Reason: To encourage the use of mode of transport other than the private car.
- 24) The construction of the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Secretary of State for Transport and Devon County Council, a construction management plan. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from the site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development plan shall be carried out strictly in accordance with the approved construction management plan.

Reason: To minimise any detrimental impact from the development during construction on the amenities of residents living nearby.

- 25) No development shall commence until details, including a north to south section of the timber crib retaining wall alongside the western boundary has been submitted and agreed in writing by the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority at all times unless agreed in writing.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 26) Method statement for works in the vicinity of the Oak tree.

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 Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

81 **PLANNING APPLICATION NO.09/0404/03 - BRADFORDS YARD, COWLEY
BRIDGE ROAD, EXETER, EX4 5AD**

Councillor Choules declared a personal interest as he is a member of the University Council and his wife, sister-in-law and himself are employees of the University.

Councillor Prowse declared a personal interest as he is a student landlord.

The Senior Area Planning Officer presented the application for redevelopment to provide four student accommodation blocks, parking, access to highway and associated works at Bradfords Yard, Cowley Bridge Road, Exeter.

Outline planning permission for redevelopment of this site for student accommodation had been granted in 2006. There had been two subsequent refusals of reserved matters applications, in 2006 and 2007. Both were refused on the grounds that they would result in over-development of the site. The outline approval had expired before a further application could be made.

The current proposal took the form of four detached blocks set diagonally across the site. The blocks were designed in a contemporary style and were three and four storeys in height. The accommodation was a mix of postgraduate studio rooms and cluster flats totalling 219 bed spaces. The space between each block was laid out in formal landscaped courtyards.

The recommendation was for approval subject to a legal agreement and conditions as per the circulated report.

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

- previous applications were refused as they would cause a tunnel effect on this road leading into the City
- although the proposed buildings would be arranged diagonally, they would still create a tunnel effect
- four storey was too high for this area as most of the buildings were only two storeys high
- would increase the footfall in Cowley Bridge Road

- concern that some of the conditions requested information that should have been agreed before any planning approval, such as the energy assessment
- there was no residents' parking in the area
- did Civil Enforcement Officers patrol the outer parts of the City?
- the proposal should be two and three storeys high
- welcomed the efforts of the planning officers but this scheme could be further improved.

The Senior Area Planning Officer stated that the nearest part of the proposal to the adjacent terrace was three storeys high and the officer's view was that the relationship was acceptable.

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

- recognised that this site was ideal for student accommodation due to its location
- the Planning Inspectorate dismissed a previous application because of the proposed height: he asserted that this application was just as high
- was out of character with the area and not consistent with policy CO6 of the Devon Structure Plan
- the height and massing was not appropriate for the townscape as stated in Policy DG1 of the Local Plan
- development would be over 12.5 metres high
- this development had the potential to be a 'student ghetto'.

In answer to a Member's question, Mr Cook clarified that he lived opposite the site, on the Exwick side of the river.

Mr Coles (Architect) spoke in support of the application. He raised the following points:-

- the applicants, Opal, provided student accommodation all over the country
- this would be a safely managed building with a Warden on site
- would comprise four blocks with views through to the Valley Park
- would be of contemporary design with a flat roof
- would be a car free development and students would have to enter into a tenancy agreement precluding them from bringing a car
- there would be a lay-by at the front for food deliveries; there would be eight staff and disabled parking on site.

In answer to Members' questions, Mr Coles clarified that the siting of the buildings would allow views through and also allow views from the student accommodation, the lay-by would be used for student drop off and pick up at the beginning and end of term. This would be managed and the students would be given time slot. Rooms would be occupied by single persons, not families.

The Planning Solicitor stated that the Section 106 agreement would prevent any holiday use other than students wanting to remain in the accommodation and included a management of slots for arrivals and departures at the start and end of term times.

During discussion, Members raised the following points:-

- was the height of building such that a refusal could be upheld?
- the lay-by with only four spaces was insufficient for arrivals and departures even with a managed timetable
- the disabled parking could be used for a drop off and pick up point at the start and end of term

- although outline approval for student accommodation had been granted in 2006 and the principle established, additional student accommodation in the vicinity had been approved recently substantially increasing the student numbers in the area
- concern that there was only one pelican crossing on this part of Cowley Bridge Road
- Exeter HATOC was the most appropriate Committee to take forward highway concerns in the area; the Chair should include in her letter to the County that a report should be presented to Exeter HATOC on highway safety in the New North Road/Cowley Bridge Road area
- Civil Enforcement Officers do patrol all parts of the City.

The Senior Area Planning Officer stated that the officer's view was that the height of the buildings and the 14.5 metre gap between the student blocks was acceptable.

The Director of Economy and Development confirmed that Members' concerns regarding the management of the arrivals and departure would be raised with the applicants to see if the existing lay- by could be enlarged or an additional lay-by provided.

RESOLVED that planning permission for redevelopment to provide four student accommodation blocks, parking, access to highway and associated works be **approved** subject to the completion of a Section 106 agreement legal agreement to restrict occupation, to require approval of a management agreement, and to secure an additional contribution of £500 (in addition to the £1,500 already paid) to fund changes to traffic orders and relocation of bus stops, and to secure the provision of the cycleway/footway along the frontage together with a layby, access and visibility splays and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Prior to occupation of the proposed development, a cycleway/footway shall be constructed on the Cowley Bridge Road frontage in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To enhance pedestrian and cycling facilities to and from the development on this National Primary Traffic Route.
- 5) Prior to the occupation of the development hereby permitted, a lay-by shall be provided on the Cowley Bridge Road frontage in accordance with details that shall first have been submitted to and agreed in writing with the Local Planning Authority.
Reason: To ensure that the lay-by is safely positioned in relation to accesses and egresses to the site.
- 6) No part of the development hereby approved shall be occupied until the on-site disabled parking, secure and visitor cycle parking together with the accesses to Cowley Bridge Road have been provided 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: In the interests of public safety and to ensure that adequate facilities are available for the traffic attracted to the site.

- 7) The proposed accesses to Cowley Bridge Road, including visibility splays, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed access proposals.
- 8) In accordance with details that shall previously have been submitted to and approved by the Local Planning Authority in writing, provision shall be made within the site for the disposal of surface water so that none drains onto any County highway.
Reason: In the interests of public safety and to prevent damage to the highway.
- 9) No part of the development hereby approved shall be commenced until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials during the construction period, all in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of public safety and to avoid obstruction of and damage to the adjoining highway.
- 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 (including the fence on the boundary with the adjoining railway land) shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme in consultation with Network Rail; 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) C37 - Replacement Planting
- 12) None of the development shall be occupied until a scheme of public art has been provided in accordance with details which shall first have been agreed in writing by the Local Planning Authority prior to the commencement of development.
Reason: In the interests of improving visual amenity and interest within the public realm.
- 13) C70 - Contaminated Land
- 14) Development shall not begin until a scheme for protecting the proposed residential units from noise from rail and motor vehicle traffic has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
Reason: In the interests of residential amenity

- 15) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
i) windows, including colour, materials, cills, headers and reveals;
ii) the roof ridge, hip detailing, eaves, verges, rainwater goods, canopies and external doors;
b) external lighting
Reason: To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development.
- 16) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 17) No development shall begin until an Energy Assessment of the proposal, and a scheme for generating a proportion of the predicted energy requirement of the development from on-site renewable sources, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: In the interests of sustainable development.
- 18) No part of the development hereby approved shall be occupied until a Green Travel Plan with a view to identifying routes to all local facilities and reducing dependence on the private motor car, has 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 control the character and to minimise the volume of traffic attracted to the site in view of the car free status of this development.
- 19) Revised plans for lay-by(s).

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 Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

82 **PLANNING APPLICATION NO.09/0548/03 - FORMER ROYAL NAVAL STORE DEPOT, TOPSHAM ROAD, EXETER, EX2 7AH**

The Development Manager presented the application for fifty one dwellings to include a mix of two bed apartments, two, three, four and five bed terraced, semi-detached and detached dwellings, associated parking, roads and landscaping at the former Royal Naval Store Depot, Topsham Road, Exeter.

Members were circulated with a letter dated 25 June 2009 from the South West Design Review Panel. Following the receipt of the comments of the Panel, further negotiations had taken place with the developer seeking to address officers' original concerns with the scheme, and taking on board the Panel's deliberations on the matters raised. These negotiations had resulted in significant revisions to the

submitted layout that had moved the scheme closer to the original approval in terms of the creation of an acceptable sense of place and active street scenes. These negotiations had secured a compromise layout that addressed the developer's concerns with regard to the current housing market, but that incorporated as many of the principles of attractive place making as possible.

Members were circulated with an update sheet giving details of the how the three main areas of concern had now been addressed and that the recommendation was for approval subject to a legal agreement and conditions.

The Development Manager stated that the overall changes that had been secured through negotiations had resulted in a significant improvement to the scheme now proposed when compared to the initial submission. Whilst it was still considered regrettable that the previously approved scheme would not be implemented, it was now felt that this proposal retained many of the qualities of the original scheme in terms of the quality of townscape and sense of place it created.

Ms Barrett (representing local residents) spoke against the application. She raised the following points:-

- main concern was regarding the Section 106 provision for education and transport
- new schools were needed in the area
- the site should have provision for a park and ride bus
- the A379 link road should be completed once the 200th property was built
- concerns regarding the drainage in the area
- accepted that there would be development on the site although would like to see a greener, more sustainable development.

The Development Manager stated that the Section 106 monies did make provision for a new primary school either on site or in the vicinity and work was due to start on the section of the A379 on the Dukeminster/Pratt land next week. Provision would be made for bin storage for every property. In answer to a Member's question, he clarified that revisions would have to be made to the terraces, on the other side of the main spine road in due course.

Members had concerns regarding the revisions to the original planning application to meet the developers' marketing need, although they welcomed the amendments made as a result of the views of the South West Design Review Panel.

RESOLVED that planning permission for 51no. mix of two bed apartments, two, three, four and five bed terraced, semi-detached and detached dwellings, associated parking, roads and landscaping (amendment to part of previous consent, Ref. 07/1176/02 granted 28 January 2008) be **approved** subject to (i) the completion of an agreement to apply the provisions of the Section 106 obligation dated 3 July 2003 (as varied on 17 June 2009) to the development, and (ii) receipt of amended plans showing affordable housing proposals which are consistent with that obligation (as varied), and the following conditions:-

- 1) C05 – Commencement
- 2) C15 – Compliance with Drawings
- 3) Drawing No. 113 Rev A entitled 'Affordable Housing Distribution Plan' does not form part of this permission.
Reason - The details shown on this drawing are not considered acceptable in terms of the level of provision of affordable housing within the boundaries of the application site.

- 4) C12 – Drainage Details
- 5) C10 - Drainage
- 6) The development hereby approved shall not be commenced until details of layout, landscaping, planting and proposed delivery of the open space within the development have been submitted to and approved in writing by the Local Planning Authority. Not more than 50% of the dwellings comprised in the development shall be occupied until the open space has been completed in accordance with the approved details, and offered for adoption as public open space. The details to be approved pursuant to this condition shall include identification of the 50% of dwellings concerned.
Reason: To ensure delivery of the open space for use by occupiers of the dwellings.
- 7) C23 – Permitted Development Restriction
- 8) C57 – Archaeological Recording
- 9) C35 – Landscape Scheme
- 10) C38 – Trees – Temporary Fencing
- 11) No part of the development hereby approved shall be occupied until the means of access together with the parking facilities to serve it (either on-street or off-street) have been provided in accordance with the approved drawings. Thereafter the said access and parking facilities shall be permanently retained for those purposes at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: To secure adequate access and parking facilities for each unit of residential accommodation.
- 12) C72 – Highway – Estate Roads etc
- 13) TO8 – Trees – Bat Condition
- 14) Prior to the commencement of the development, a scheme identifying how the design of 20% of the properties comprised in this development, distributed evenly across the site, shall incorporate integral provision of bat/bird nesting boxes shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and the bird/bat nesting areas permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that appropriate provision is made for nesting birds/bats within the development in the interests of enhancing the contribution of the development to the ecology of the area.
- 15) All meter boxes shall be confined to the rear elevations of buildings unless otherwise specifically agreed in writing by the Local Planning Authority.
Reason: To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located.

- 16) No soil stacks, waste pipes (other than rainwater pipes) and central heating flues shall be fixed to the external elevations of the buildings without the prior written approval of the Local Planning Authority.
Reason: To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located.
- 17) Prior to the commencement of the development details of a means of preventing vehicular access onto all non-enclosed open spaces shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details and any physical barriers installed permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenity of the area.
- 18) The Transport Assessment submitted in support of this application (ITR/2188/13 dated December 2006) is not hereby approved. Therefore, before any vehicular access is gained to the development hereby permitted via the A379, a Transport Assessment shall be submitted to establish the impact of the full implementation of the development on the M5 Junction 30. Any necessary road or junction modifications shall be approved in writing by the Local Planning Authorities after securing the approval of the highway authorities.
Reason: To ensure that the impact of the development upon the highway network is fully considered and any associated highway modifications are agreed by the Local Planning Authorities.
- 19) In accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.
Reason: In the interests of public safety and to prevent damage to the highway.
- 20) C70 – Contaminated Land
- 21) No 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 during the construction period in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be retained solely for the identified purpose until the completion of the development.
Reason: In the interest of public safety and to avoid obstruction of and damage to the adjoining highway.
- 22) Unless otherwise agreed in writing by the Local Planning Authority construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the residential amenities of the occupants of surrounding properties.
- 23) Prior to the commencement of the development hereby approved details of all proposed boundary treatments shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 24) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all the dwellings/buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

83

PLANNING APPLICATION NO.09/0280/03 - SITE H FORMER ELECTRICITY BUILDING, HAVEN ROAD, EXETER, EX2

The Senior Area Planning Officer presented the application for the change of use from an industrial building to children's play centre with cafe, alterations to roof, doors and windows on all elevations and provision of parking at site H, the former Electricity Building, Haven Road, Exeter.

Planning permission had been granted in September 2007 for the change of use to a mixed use development including exhibition area and gallery, hotel, restaurant/bar, shop and three storey rear extension. The previous permission granted had been unable to be implemented by the former applicant and this application sought permission for change of use to children's play centre.

The recommendation was for approval subject to conditions as per the circulated report.

RESOLVED that planning permission for the change of use from electricity building to children's play centre with cafe, alterations to roof, doors and windows on all elevations and provision of parking 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 24 February 2009 (dwg no. 1190-06Elev 1); 10 March 2009 (dwg nos. 1190-03SF; 1190-07Elev 2 rev A & 1190-10Int Elevs) and 26 March 2009 (dwg nos. 1190-01GF rev B & 1190-02FF rev A) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C57 - Archaeological Recording
- 5) No part of the development hereby approved shall be brought into its intended use until the frontage footway and off street parking facilities have

been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 6) No amplified music, voice or tannoy system shall become operational unless routed through a suitable noise limiter that has been installed, operated and maintained to the satisfaction of the Local Planning Authority in accordance with details to submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 7) Notwithstanding condition no.2, no work shall commence on this site under this permission until full details have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

(a) a method of works for the restoration of the existing windows;

(b) new windows on the north-west elevation;

(c) window screens to the front elevation;

(d) external doors;

(e) rainwater goods;

(f) lighting;

(g) refuse storage;

(h) acoustic survey;

(i) loading and unloading and storage of plant and material during construction;

(j) parking and vehicles of site personnel, operatives and visitors during construction;

(k) mechanical extract ventilation scheme.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 8) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

- 9) The site shall not be used for any purpose other than as a children's indoor play area falling within use class D2, and not for any other use (including any use within Use Class D2 as defined by the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order) without the formal written consent of the Local Planning Authority.

Reason: Any use other than that hereby approved would need to be assessed on its own individual merits in terms of amenity/highway impact.

- 10) The use hereby approved shall not be carried on other than between the hours of 09.00 and 21.00.

Reason: So as not to detract from the amenities of the near-by residential property.

(Report circulated)

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

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ENFORCEMENT PROGRESS REPORT

Councillor Mrs Henson declared a personal interest as she lives in the vicinity of Apartment 4, The Ballroom, Clyst Heath.

The Development Manager presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

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APPEALS REPORT

Councillor Taghdissian declared a personal interest in respect of 44 Manston Road as he lives in the vicinity and a personal interest in respect of 17 Clinton Avenue as he made representations to the Planning Inspectorate.

The schedule of appeal decisions and appeals lodged was submitted. It was noted that all nine of the decided appeals had been dismissed.

RESOLVED that the report be noted.

(Report circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 14 July 2009 at 9.30 a.m. The Councillors attending will be P.J. Brock, Taghdissian and Wadham.

(The meeting commenced at 6.00 pm and closed at 9.00 pm)

Chair