

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mrs Mary Roberts, Devon County Council, Matford Offices, County Hall, Topsham Road, Exeter, EX2 4QD**

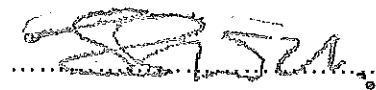
Agent for: **Devon County Council, County Hall, Topsham Road, EXETER, EX2 4QD**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **21 October 2016**, and the plans and drawings attached thereto numbered: **A10020/50; A100/20/52/A; A100/20/53; A100/20/56; A100/20/58; AW/L/308/2; AW/L/308/4/A; L10A; L10B; L10C and 16.30.2.TPP.**

brief particulars of which are as follows:

Construction of an 830m single carriageway road with roundabouts forming junctions at either end linking Dinan Way & the A376 Exmouth Road. Includes the provision of a footway on the south side of the carriageway, earthworks and associated landscaping. The road is located between Pitt Farm and Summer Lane, Exmouth at Exmouth, EX8 5BD

subject to the conditions set out in the attached sheets



Jan Shadbolt - County Solicitor

Date: 25th January 2017

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

**Schedule of Conditions - East Devon District Council Application No. 16/2606/CM
Devon County Council Ref. DCC/3909/2016**

STANDARD COMMENCEMENT

1. The development shall commence within ten years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered A10020/50; A100/20/52/A; A100/20/53; A100/20/56; A100/20/58; AW/L/308/2; AW/L/308/4/A; L10A; L10B; L10C; and 16.30.2.TPP unless otherwise maybe varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRE-COMMENCEMENT)

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

3. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall provide details of:
 - a) Timetable/programme of works;
 - b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles];
 - c) Days and hours of deliveries;
 - d) Location of loading, unloading and storage of plant and materials;
 - e) Location of contractor compound and facilities;
 - f) Provision of boundary fencing/hoarding;
 - g) Parking of vehicles of site personnel, operatives and visitors;
 - h) Detail for proposals to promote care sharing amongst construction traffic staff;
 - i) Dust Control, in accordance with measures set out in table 9 -14 'Construction Dust Mitigation Measures' of the Environmental Statement;
 - j) Noise management procedures, in line with the Best Practicable Means as set out in section 10.4.2 of the Environmental Statement;
 - k) The hours for noisy operations that take place on site: to include Piling and breaking up of hard materials;
 - l) Proposed night- time operations/working;
 - m) Recycling during construction;
 - n) Detailed proposals and method statement for soil stripping, storage, handling and reinstatement;
 - o) Additional measures to be taken if construction of the Goodmores Farm development occurs during the construction period of the road;
 - p) Details of the protection of wildlife habitat; including any requirements for ecological specialists.

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction activities on nearby residents,

the landscape, ecology and the local highway network in accordance with Local Plan policies: EN5 (Wildlife Habitats and Features) & EN14 (Control of pollution) and the NPPF.

LANDSCAPING/TREES

4. No development shall take place until a Detailed Landscape and Ecological Design Scheme is submitted to and agreed with the County Planning Authority (CPA). This shall include updated landscape and ecological mitigation plans, and an updated 'Typical Cross Section' A10020/54/Rev A, as well as the following:
- a) further advance planting at specific locations to be agreed with the CPA, where high sided vehicles would be visible;
 - b) the design and location of fencing;
 - c) details of the hedge banks construction including bank ends and transitions to adjoining hedges;
 - d) materials to be used for retaining walls;
 - e) detailed landform and vegetation design of sustainable drainage features;
 - f) details of the colour and finish of lighting columns;
 - g) details of surfaces, edgings for roads and footways;
 - h) each landscape/ecological feature shall be clearly marked, and their purpose indicated.

The approved scheme shall be implemented according to a timetable to be approved by the County Planning Authority. The approved scheme shall be maintained for a period of ten years. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.

REASON: To help protect the character and appearance of the local landscape and to mitigate adverse impacts of proposals of views from A La Ronde and associated Heritage Assets, in accordance with the NPPF and East Devon Local Plan policies D2 (Landscape Requirements), and EN8 (Significance of Heritage Assets and their Setting).

5. No development shall take place until a Landscape and Ecological Management and Monitoring Plan (LEMMP) has been produced in accordance with best practice guidance and approved in writing by the County Planning Authority at least one year before development commences. The LEMMP shall include annotated plans, an overview mitigation and monitoring report, detailed management and monitoring reports and a schedule for the timing of all works.

It shall also include the following:

- (a) A succinct overview of ecological and landscape requirements summarising for relevant habitat, species and landscape features:
 - i. background (summarising impacts and mitigation/monitoring requirements);
 - ii. objectives, including intended purpose/function and specific requirements in terms of habitat structure, height and composition;
 - iii. any pre-construction surveys required;
 - iv. any protection measures;
 - v. mitigation requirements (avoidance, mitigation, compensation and enhancement measures) to achieve objectives;
 - vi. management requirements (pre, during, post construction);
 - vii. any monitoring requirements;
 - viii. the timing of actions required;
 - ix. the organisation responsible for actions required.

- (b) annotated overview plans highlighting the location and function of features and works required for landscape and ecological protection and mitigation, as described in the overview;
- (c) detailed specification documents relating to creation, aftercare and long term management of each landscape/ecological feature required to achieve the objectives for each feature. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location;
- (d) a detailed schedule for the timing of all landscape/ecology works;
- (e) details of the mitigation, on and off-site, required to maintain the cirl bunting territory as per the Devon Cirl Bunting Wildlife and Development Guidance Note;
- (f) detailed Pre-construction Surveys including (but not exclusive to) badgers, cirl buntings, potential tree bat roosts and Great Crested Newts;
- (g) detailed Ecological Monitoring Surveys and Remedial Action Plans including (but not exclusive to) Cirl Buntings.

The LEMMP shall be implemented in strict accordance with the approved details.

A report setting out implementation of the LEMMP, compliance and survey reports shall be submitted to the CPA at intervals as agreed in the LEMMP.

REASON: To conserve the character of the local landscape, to ensure that ecological mitigation is built into landscaping requirements, to ensure that the road landscape fits in with the landscape context and to respect the setting of A La Ronde and associated Heritage Assets in accordance with the NPPF and East Devon Local Plan policies: D2 (Landscape Requirements); D3 (Trees and Development Sites); EN4 (Protection of LNRs, CWSs & CGSs); EN5 - Wildlife Habitats and Features) & EN8 (Significance of Heritage Assets and their Setting).

ARCHAEOLOGY/HISTORIC BUILDINGS

6. No development shall take place until the applicant has secured the implementation of a programme of historic building recording and analysis in accordance with a written scheme of investigation which has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

DRAINAGE

7. No part of the development shall commence until the detailed design of the proposed temporary (during the full period of construction) and permanent surface water drainage management systems have been submitted to, and approved in writing by, the County Planning Authority. The design of the surface water drainage management systems will be

in accordance with the principles of sustainable drainage systems. The development shall be carried out in accordance with the approved details and shall thereafter be so maintained.

Reason: To ensure that surface water runoff from the development, during construction and operation, is managed in accordance with the principles of sustainable drainage systems, so as to not to increase the flood risk, or pose water quality issues, to the surrounding area. In accordance with East Devon Local Plan policies EN18 (Maintenance of Water Quality and Quantity), EN22 (Surface Water Run-Off Implications of New Development).

CONDITIONS (DURING CONSTRUCTION)

HOURS OF OPERATION

8. Construction operations on site shall only take place between 0700 and 1900 on Mondays to Fridays and 0800 and 1300 on Saturdays. There shall be no working on Sundays and Public Holidays. Unless otherwise varied by condition 3 (Construction Environmental Management Plan).

REASON: To protect the living conditions of nearby residents and in accordance with policy EN14 (Control of Pollution).

LANDSCAPE & ECOLOGY

9. Vegetation clearance shall be in strict accordance with the approved plans as varied by these conditions. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 109 of the NPPF and the wildlife and Countryside Act 1981 (as amended).

10. Trees and hedges to be retained, are to be protected prior to, during and after construction, in accordance with the Tree Protection Plan and Arboricultural Method Statement. No heavy plant shall be brought onto site, or excavation works commence, until protective fencing shown on the Tree Protection Plan Drawing 16.30.2.TPP is erected to the satisfaction of DCC (or as delegated to EDDC).

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, to protect the setting of listed buildings, nature conservation interests and in the interests of visual amenity, in accordance with policy D3 (Trees and Development Sites).

NOISE

11. Appropriate noise reduction surfacing, Stone Mastic Asphalt or similar, shall be used as a road coating surface.

REASON: To ensure noise levels fall within acceptable levels to minimise harm upon - local living conditions; ecology and the setting of Historic Assets. In accordance with

policies EN4 (Protection of LNRs, CWSS & CGSS; EN5 - Wildlife Habitats and Features); EN8 (Significance of Heritage Assets and their Setting) and the NPPF (Paragraph 123).

WASTE MANAGEMENT

12. No development shall take place until an updated Waste Management Plan for waste arising from the development has been submitted to and agreed in writing by the County Planning Authority.

The statement shall include:

- a) methods to reduce the amount of waste material;
- b) methods to re-use the waste within the development;
- c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place;
- d) estimated quantities of excavated/demolition materials arising from the site;
- e) evidence that all alternative methods of waste disposal have been considered;
- f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

The development shall be carried out in accordance with the approved statement.

REASON: To minimise the amount of waste produced and promote sustainable methods of waste management

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based in seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.