

## PLANNING

Date: Monday 25 June 2018  
Time: 5.30 pm  
Venue: Rennes Room - Civic Centre

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

*Membership -*

Councillors Sutton (Chair), Lyons (Deputy Chair), Bialyk, Branston, Denham, Edwards, Foale, Harvey, Mrs Henson, Morse, Prowse, Thompson and Vizard M

## Agenda

### Part I: Items suggested for discussion with the press and public present

13 **Update Sheet**

(Pages 3 -  
6)

### Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 23 July 2018** at 5.30 pm in the Civic Centre.

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**PLANNING COMMITTEE  
25 JUNE 2018**

**ADDITIONAL INFORMATION**

**Correspondence received and matters arising following preparation of the Agenda**

**Item 5 - Pages 25-40 - App Ref: 18/0534/FUL  
Land West of Ringswell Avenue**

A recent Court judgement has clarified the position with regard to Appropriate Assessment in respect of this type of development and potential impact of designated Special Protection Areas (SPA) such as the Exe Estuary. Hence –

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

It is good practice to agree conditions with developers prior to their imposition and following discussions with the applicant minor changes to the following conditions listed in main report are proposed as follows:-

Condition 8

**Pre commencement condition:** No development shall take place until all the recommendations from the submitted Ground Investigation Report (Geo Consulting, August 2017) have been undertaken, and the results and any remedial works necessary have been agreed with the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason for pre-commencement condition:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

Condition 14

No part of the development hereby approved shall be brought into its intended use until the pedestrian/cycleway adjacent to plot A38/A37 to the western site boundary as indicated on the adoptable highways plan (Drawing No. P1610:09) has been provided up to and including the application site boundary, in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF and CP9 of the ECC Core Strategy.

Condition 15

No part of the development hereby approved shall be brought into its intended use until details of pedestrian and cycle linkages/facilities up to and including the northern application site boundary to Ribston Avenue have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the links/facilities have been provided, surfaced and marked out in accordance with the approved plans. Thereafter this shall be retained for

those purposes at all times.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF

#### Condition 16

No part of the development hereby approved shall be brought into its intended use until details of the extension of the shared use path on Ringswell Avenue fronting the development site have been approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any individual dwelling.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF.

#### **Item 6 - Pages 41-56 - App Ref 17/1980/FUL City Arcade, Fore Street**

Members should be aware that the image shown in the Express and Echo report is the original elevation submitted which has been subsequently superseded by the reduced scheme for a four storey building now proposed for the site.

One additional letter of objection received from owner of the The Fat Pig:-

- i) No mentioned of the habitable rooms within the first floor flat of the Fat Pig or the new accommodation and roof terrace on the southern side of the pub within the shadow study.
- ii) Not only will the proximity, height, bulk and massing of the proposed building cause unacceptable loss of light to the residential accommodation but the four existing windows into the accommodation and the private terrace garden will be directly and unacceptably overlooked by the proposed student flats' occupants leading to a complete loss of privacy and enjoyment of the residential property.

It is accepted that the officer's report does not include an assessment regarding the potential impact of overlooking from the development into the side windows of the first floor flat of the Fat Pig. The Architects have produced additional drawings which show that due to the change in levels there will be no direct window to window overlooking between the new student scheme and this existing first floor flat. Whilst it is accepted that the buildings are in close proximity this is typical of the area and accordingly the impact on existing residential amenity is considered acceptable.

#### **Item 7 - Pages 57-72 - App Ref: 18/1830/FUL Land at Sandrock, Gipsy Hill Lane**

The applicant has made an improved offer of 14 affordable units. This is the same number as that proposed as part of the lapsed consent (although it represents a slight shortfall in percentage terms to that secured on the earlier consent because the number of units has increased slightly). However the offer is accompanied by an agreement to commence work on site within 2 years (this would be conditioned) and should be seen in the light of improved cycle and pedestrian facilities compared to the lapsed scheme. The commitment to early delivery is an important consideration weighing in favour of the application given that the Council cannot demonstrate a 5 year housing supply.

The Council's Viability Consultant has undertaken some preliminary work on the site which acknowledges that the policy compliant position of 35% affordable housing cannot be secured although he advises that 25% (which would be 15.5 units) ought to be achievable. Whilst Members could refuse the application and hold out for the additional 1.5 units this would result in a delay in delivery (whilst an appeal is heard) and a full viability assessment could prove that the site can only provide a figure below the 14 offered. This is a possibility given that construction costs have been rising for some time now.

On balance it is considered that the revised offer is acceptable and that the unique set of

circumstances will not set a precedent which will make it difficult for the Council to secure policy compliant affordable housing on other sites.

Revised Recommendation:

APPROVE subject to a Section 106 Obligation requiring the provision of 14 affordable units, highway works and appropriate conditions, the details of which should be delegated to the City Development Manager in consultation with the Chair of Planning Committee.

**Item 8 - Pages 73-90 - App Ref: 18/0221/FUL  
Land West of Cumberland Way, Hollow Lane**

No further comments.

**Item 9 - Pages 91-98 - App Ref: 18/0729/RES  
Exeter Bus and Coach Station, Paris Street**

No further comments.

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